

Exhibit 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

Jonathan R., minor, by Next :
Friend, Sarah Dixon, et al., :
:
Plaintiffs, : Class Action
:
v. : 3:19-cv-00710
:
Jim Justice, in his official :
capacity as the Governor of :
West Virginia, et al., :
:
Defendants. :

VIDEOCONFERENCE DEPOSITION OF SUSAN GETMAN

DATE: October 19, 2020
TIME: 11:52 a.m. to 7:17 p.m.
LOCATION: Witness Location

REPORTED BY: Felicia A. Newland, CSR

Veritext Legal Solutions
1250 Eye Street, N.W., Suite 350
Washington, D.C. 20005

<p style="text-align: right;">Page 18</p> <p>1 a collaborative process. There's so much work that 2 has to be done on the public side in terms of it 3 could be training, practice changes, philosophical 4 changes in the way they approach, and I'll say 5 specifically, kinship care. There's a lot of bias, 6 so there's a lot of cooperative things that we're 7 doing in terms of the types of services and 8 programs that we would be bringing. 9 Ideally we would be providing a lot 10 of the service, however, it is very much 11 tangential and it's a cooperative sort of 12 arrangement. It's not like we just do the 13 service and leave it alone, there are a lot of 14 things on the public side that has to happen. 15 BY MS. SIEGENBERG: 16 Q Okay. So I know we've been speaking 17 quite a bit about Lilliput Families. But just to 18 confirm for the record, you are currently employed 19 at Lilliput Families. Is that correct? 20 A Yes. 21 Q Okay. And could you describe 22 Lilliput for me?</p>	<p style="text-align: right;">Page 20</p> <p>1 programs, supporting kinship families. And we 2 currently have six counties that we serve families, 3 kinship families. 4 Q Okay. So just to confirm, Lilliput 5 is a private agency that's contracted with by the 6 State, correct? 7 A Yes. 8 Q Okay. So Lilliput has their own 9 child welfare caseworkers? 10 A Can you explain that question? 11 Q So when you were speaking about all 12 the services that you provide, in providing those 13 services does Lilliput have your own child welfare 14 workers or caseworkers who are directly -- 15 providing direct services to the families that you 16 work with? 17 MS. UNGER: Objection. Confusing. 18 THE WITNESS: We don't call them 19 child welfare workers, that they work within our 20 child welfare partners. But yes, we employ our own 21 master's-level social workers, some bachelor-level 22 staff to conduct the work.</p>
<p style="text-align: right;">Page 19</p> <p>1 A Lilliput has been around for the past 2 40 years. We started out as a foster care agency 3 and we were serving 300 youth child welfare and 4 have probation youth, and then we branched out into 5 adoptions and basically began working throughout 6 the state with counties across the -- you know, 58 7 counties. 8 And we were one of the first adoption 9 licensed providers in the state. And that happened 10 in 1991. And so we were helping to assess families 11 for the readiness and preparation of adoption of 12 children out of the foster care system. We served 13 thousands and thousands of children. We still hold 14 a foster care license. 15 We branched out into -- well, we 16 began to say that in our adoptions arena, the 17 families that we served, there were -- you know, 18 over 50 percent were kinship families. So we began 19 to develop an expertise in that. And I -- I was 20 around at the time. And then we started our 21 kinship support services programming back in 2007. 22 And then that began to implement those kinds of</p>	<p style="text-align: right;">Page 21</p> <p>1 BY MS. SIEGENBERG: 2 Q Okay. So how do those -- I'm sorry. 3 You said you don't call them child welfare workers. 4 How should I refer to them in conversation? 5 A I only say that because it's more -- 6 it sounds more public, so we would say our social 7 work staff. 8 Q Okay. So how does your social work 9 staff interact with -- or what is their role with 10 respect to the state or local public child welfare 11 workers? 12 A To -- the role of your social workers 13 assist with providing a level of service, whatever 14 they're contracting us for, it could be case 15 management, it could be family finding, it could be 16 a variety of things to help impact the outcomes of 17 children in that particular county that we're 18 contacting with or permanency stability and 19 well-being. 20 Q And in providing those services, do 21 you create your own records for the children and 22 families that you're working with or do you enter</p>

<p style="text-align: right;">Page 22</p> <p>1 information directly into the child or family's</p> <p>2 case file or record that's maintained by the local</p> <p>3 public agency?</p> <p>4 MS. UNGER: Objection.</p> <p>5 THE WITNESS: With keep our own</p> <p>6 files.</p> <p>7 BY MS. SIEGENBERG:</p> <p>8 Q Okay. And so I think you mentioned</p> <p>9 that Lilliput primarily is in Northern California.</p> <p>10 Is that correct?</p> <p>11 A Yes.</p> <p>12 Q Okay. Anywhere outside of</p> <p>13 California?</p> <p>14 A No.</p> <p>15 Q Okay. So you have spoken a little</p> <p>16 bit about some kinship-specific services that</p> <p>17 Lilliputs provides. What other besides -- I think</p> <p>18 you said kinship services and support program. Is</p> <p>19 that right?</p> <p>20 A Kinship support services.</p> <p>21 Q Okay. Besides those services, what</p> <p>22 other kinship-specific services does Lilliput</p>	<p style="text-align: right;">Page 24</p> <p>1 counties, we provide family finding and the kinship</p> <p>2 support services programming and then also then</p> <p>3 certify kinship families.</p> <p>4 BY MS. SIEGENBERG:</p> <p>5 Q So how many counties do you provide</p> <p>6 the certification services to kinship families?</p> <p>7 MS. UNGER: Objection. Beyond the</p> <p>8 scope.</p> <p>9 THE WITNESS: We provide it</p> <p>10 throughout California for any county that would</p> <p>11 need that service. So, for instance, there are</p> <p>12 counties in say, LA County who find and identify</p> <p>13 relatives in Sacramento County and then we would</p> <p>14 certify that home or that family.</p> <p>15 BY MS. SIEGENBERG:</p> <p>16 Q Okay. Is Lilliput involved in</p> <p>17 investigating allegations of abuse and neglect?</p> <p>18 MS. UNGER: Objection. Beyond the</p> <p>19 scope.</p> <p>20 THE WITNESS: No.</p> <p>21 BY MS. SIEGENBERG:</p> <p>22 Q Is Lilliput involved in removing</p>
<p style="text-align: right;">Page 23</p> <p>1 provide?</p> <p>2 A So family finding would be considered</p> <p>3 under the kinship. So we provide a level of</p> <p>4 intensive family finding beyond sort of the county</p> <p>5 efforts to find -- identify and locate relatives</p> <p>6 for youth who are either in a group home care, so</p> <p>7 we can step them down, or at the front-end, so</p> <p>8 their first time entering care. We also have</p> <p>9 kinship support services programming in six</p> <p>10 counties where we operate of like a resource center</p> <p>11 for families to get information referral, get</p> <p>12 corrected to vital supports that they need. And</p> <p>13 then we also foster certify kinship families.</p> <p>14 Q So you mentioned that the kinship</p> <p>15 support services program is available in six</p> <p>16 counties. How many counties is the Family Finding</p> <p>17 Services available in?</p> <p>18 MS. UNGER: Objection. Beyond the</p> <p>19 scope.</p> <p>20 THE WITNESS: We don't always have a</p> <p>21 kinship support services program alongside our</p> <p>22 family finding unfortunately. But in four of the</p>	<p style="text-align: right;">Page 25</p> <p>1 children from homes?</p> <p>2 MS. UNGER: Same objection.</p> <p>3 THE WITNESS: No.</p> <p>4 BY MS. SIEGENBERG:</p> <p>5 Q Is Lilliput involved in participating</p> <p>6 in abuse and neglect court proceedings?</p> <p>7 MS. UNGER: Same objection.</p> <p>8 THE WITNESS: It would depend on our</p> <p>9 involvement.</p> <p>10 BY MS. SIEGENBERG:</p> <p>11 Q Could you explain what it might</p> <p>12 depend on?</p> <p>13 A If it was a certified family under</p> <p>14 our license for foster care, then yes, we could</p> <p>15 definitely be, or if we were engaged in any other</p> <p>16 program or service where they needed information</p> <p>17 from one of our workers who was involved.</p> <p>18 Q And is Lilliput involved in making</p> <p>19 placement decisions for children?</p> <p>20 A No.</p> <p>21 Q Could you describe the population</p> <p>22 that Lilliput serves?</p>

<p style="text-align: right;">Page 26</p> <p>1 MS. UNGER: Objection. Irrelevant.</p> <p>2 THE WITNESS: So we have six</p> <p>3 different programs, so it would be hard to -- I</p> <p>4 would say the majority of the children that we</p> <p>5 serve are in the foster care system.</p> <p>6 BY MS. SIEGENBERG:</p> <p>7 Q Uh-huh. And what about the</p> <p>8 demographics of those children and families that</p> <p>9 you work with?</p> <p>10 A So beyond the six counties, I mean we</p> <p>11 work throughout Northern California, we have a</p> <p>12 post-adopt services program that spans 19 counties</p> <p>13 throughout California. So I would say about</p> <p>14 60 percent of the families that we serve are in</p> <p>15 rural area and then we have urban environments that</p> <p>16 we serve, like the Bay Area. We have 12 offices</p> <p>17 throughout -- scattered throughout Northern</p> <p>18 California. So we have some rural counties that we</p> <p>19 serve and obviously urban areas like Sacramento.</p> <p>20 Q Okay. And so you -- you mentioned</p> <p>21 the six counties that you provide the kinship</p> <p>22 support services to. Would you characterize those</p>	<p style="text-align: right;">Page 28</p> <p>1 just a lot of travel time for families if they have</p> <p>2 to come in or out for services.</p> <p>3 BY MS. SIEGENBERG:</p> <p>4 Q And do you think local</p> <p>5 characteristics, like if it's rural or urban or the</p> <p>6 poverty of a district, should be taken into account</p> <p>7 when accessing the performance of a child welfare</p> <p>8 system?</p> <p>9 MS. UNGER: Objection.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MS. SIEGENBERG:</p> <p>12 Q How do you think those</p> <p>13 characteristics should be taken into account?</p> <p>14 A I don't know if I can answer that.</p> <p>15 It's very challenging.</p> <p>16 Q So when did you first start working</p> <p>17 at Lilliput?</p> <p>18 A 1997.</p> <p>19 Q Wow, that's a long time at the same</p> <p>20 place.</p> <p>21 So turning to page 3 of your expert</p> <p>22 report. So under, "Relevant Professional</p>
<p style="text-align: right;">Page 27</p> <p>1 as rural or urban or mixed?</p> <p>2 A They're mixed. I mean, some are more</p> <p>3 rural. So Butte County is an example of where, you</p> <p>4 know, you have a city with lots of different</p> <p>5 communities around it that it's -- it's rural. So</p> <p>6 yeah, it would be a mix.</p> <p>7 Q Okay. And do you -- in your opinion,</p> <p>8 do you think there are any unique challenges that</p> <p>9 face child welfare programs or services in rural</p> <p>10 areas?</p> <p>11 MS. UNGER: Objection.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MS. SIEGENBERG:</p> <p>14 Q What are some of those challenges, in</p> <p>15 your opinion?</p> <p>16 MS. UNGER: Same objection.</p> <p>17 THE WITNESS: Just access to</p> <p>18 resources is huge. Lots of, you know, rural</p> <p>19 communities don't have even a medical center to go</p> <p>20 to. So internet connectivity, that can be a</p> <p>21 challenge, so if you're trying to do telehelp or</p> <p>22 something like that, it's very difficult. And it's</p>	<p style="text-align: right;">Page 29</p> <p>1 Background and Expertise," I think it's the second</p> <p>2 sentence, you say, "I have specialized in the</p> <p>3 design and implementation of kinship services</p> <p>4 programming, including intensive family finding and</p> <p>5 engagement, kinship support services and</p> <p>6 navigation, and kinship foster care."</p> <p>7 Do you see that?</p> <p>8 A Yes.</p> <p>9 Q Could you tell me a bit about your</p> <p>10 experience in designing and implementing kinship</p> <p>11 programming?</p> <p>12 A I think some of these are outlined in</p> <p>13 this section. I would say one of my first huge</p> <p>14 projects on this was on conducting a three-year</p> <p>15 federal demonstration project on family finding and</p> <p>16 kinship support services and how that would support</p> <p>17 kinship families in maintaining placement,</p> <p>18 stability, and permanency for youth placed in their</p> <p>19 care.</p> <p>20 Before that, though, we started</p> <p>21 our -- I was involved in the implementation of the</p> <p>22 kinship support services programming, so some of</p>

<p style="text-align: right;">Page 30</p> <p>1 the resource centers. One of the first ones</p> <p>2 started in Sacramento County in 2007. Then quickly</p> <p>3 in 2008, we secured another grant contract for Napa</p> <p>4 County. And then we built in Eldorado County. And</p> <p>5 then just Butte County and just a couple of other</p> <p>6 counties in California. So Contra Costa County,</p> <p>7 which is a big urban environment.</p> <p>8 Does that answer your question?</p> <p>9 Q Yes. That's helpful.</p> <p>10 So starting on the very last line of</p> <p>11 that page, you say, "I implemented kinship</p> <p>12 navigation programs with an emphasis on supports to</p> <p>13 informal or noncertified kinship caregivers, with</p> <p>14 the primary goal of keeping children from entering</p> <p>15 the child welfare system and/or supporting</p> <p>16 certified kinship foster caregivers."</p> <p>17 So is that the resource centers that</p> <p>18 you were referring to or is that something</p> <p>19 different?</p> <p>20 A Yes, it's the resource centers.</p> <p>21 Q The resource centers. Okay.</p> <p>22 And when you say -- you describe the</p>	<p style="text-align: right;">Page 32</p> <p>1 that the same thing?</p> <p>2 A I don't know if I understand your</p> <p>3 question.</p> <p>4 Q So you say in this statement,</p> <p>5 "Supports to informal or non-certified kinship</p> <p>6 caregivers." And you just described to me kind of</p> <p>7 what an informal caregiver is. I'm not familiar</p> <p>8 with that term. But I just wasn't sure if informal</p> <p>9 caregiver is the same thing as non-certified</p> <p>10 caregiver or if informal is different, a different</p> <p>11 thing, defined differently than non-certified.</p> <p>12 A I would define them the same.</p> <p>13 Q You would define them the same.</p> <p>14 For California?</p> <p>15 A Yes.</p> <p>16 Q Okay. Do you have any experience</p> <p>17 designing or implementing kinship programs outside</p> <p>18 of Lilliput?</p> <p>19 A No.</p> <p>20 Q Do you have any experience designing</p> <p>21 or implementing kinship programs on behalf of a</p> <p>22 public agency?</p>
<p style="text-align: right;">Page 31</p> <p>1 supports to informal or non-certified kin</p> <p>2 caregivers here, what are informal kinship</p> <p>3 caregivers?</p> <p>4 A So informal caregivers, which I think</p> <p>5 I used the term more non-certified kinship</p> <p>6 caregivers, are those families who don't go through</p> <p>7 the child welfare process and the kids are placed</p> <p>8 with them. And they either opt out or they just</p> <p>9 don't have enough information on what that process</p> <p>10 entails. And so the programs were designed to</p> <p>11 address the supports and resources that were needed</p> <p>12 for informal as well as formal.</p> <p>13 Q So when you say that informal are</p> <p>14 really part of the child welfare system, what do</p> <p>15 you mean by that?</p> <p>16 That they're not formally in custody</p> <p>17 of the department?</p> <p>18 MS. UNGER: Objection.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MS. SIEGENBERG:</p> <p>21 Q So you when say informal or</p> <p>22 non-certified, are those two different things or is</p>	<p style="text-align: right;">Page 33</p> <p>1 A Yes.</p> <p>2 Q Could you tell me a bit about that?</p> <p>3 A So as I was speaking about Sacramento</p> <p>4 County was one of the first kinship support</p> <p>5 services programming that we developed in</p> <p>6 Sacramento County with a clear understanding of</p> <p>7 what the needs were for those particular families</p> <p>8 in that particular county. So the design part</p> <p>9 comes in where, you know, you're evaluating the</p> <p>10 system with which you're working with. And there's</p> <p>11 58 counties throughout California, so every county</p> <p>12 operates a little bit differently. So that's</p> <p>13 where, you know, the design part comes in.</p> <p>14 Q Okay. And what about any experience</p> <p>15 designing or implementing kinship programming</p> <p>16 outside of California?</p> <p>17 MS. UNGER: Objection.</p> <p>18 THE WITNESS: No.</p> <p>19 BY MS. SIEGENBERG:</p> <p>20 Q And do you have any other firsthand</p> <p>21 experience assessing a kinship program and then</p> <p>22 recommending how public or a private agency can</p>

<p style="text-align: right;">Page 46</p> <p>1 local child welfare agency currently?</p> <p>2 A Can you ask that again, please?</p> <p>3 Q Sure.</p> <p>4 Have you ever directly worked for a</p> <p>5 state or local child welfare agency?</p> <p>6 MS. UNGER: Objection.</p> <p>7 THE WITNESS: No.</p> <p>8 BY MS. SIEGENBERG:</p> <p>9 Q Okay. So would you agree that the</p> <p>10 majority of your experience with kinship care is in</p> <p>11 California?</p> <p>12 MS. UNGER: Objection.</p> <p>13 THE WITNESS: I don't know if I can</p> <p>14 answer that. I don't know if I understand how to</p> <p>15 answer that.</p> <p>16 BY MS. SIEGENBERG:</p> <p>17 Q When you say the majority -- what</p> <p>18 state would you say you have the majority of your</p> <p>19 experience of kinship care in?</p> <p>20 A I think the programs that I've</p> <p>21 developed and ran were in California, but a lot of</p> <p>22 my experience was gleaned from other colleagues</p>	<p style="text-align: right;">Page 48</p> <p>1 say that the majority of your practical experience</p> <p>2 with kinship care is in California?</p> <p>3 MS. UNGER: Objection.</p> <p>4 THE WITNESS: I don't know if I can</p> <p>5 answer that.</p> <p>6 BY MS. SIEGENBERG:</p> <p>7 Q Okay. Where would you say the</p> <p>8 majority of your practical experience is?</p> <p>9 A Practical, meaning -- can you just</p> <p>10 explain what --</p> <p>11 Q Your working experience.</p> <p>12 A My direct experience?</p> <p>13 Q Yes, your director experience.</p> <p>14 A Has been predominantly in California.</p> <p>15 Q Okay. Did you have any knowledge or</p> <p>16 experience with West Virginia's child welfare</p> <p>17 system before working on this case?</p> <p>18 A No.</p> <p>19 Q Okay. So what you learned about West</p> <p>20 Virginia's child welfare system, you learned</p> <p>21 through your work on this case?</p> <p>22 A I'm sorry. Ask that again.</p>
<p style="text-align: right;">Page 47</p> <p>1 that lived out of state as well, comparing</p> <p>2 practices. And Dr. Crumbley, who referred me to</p> <p>3 ABC, he's a kinship -- renowned kinship expert.</p> <p>4 And I've worked with them for the past 20 years.</p> <p>5 Q What is Dr. Crumbley's full name?</p> <p>6 A Dr. Joseph Crumbley.</p> <p>7 Q Okay. And where does he work?</p> <p>8 A I don't think he's working anymore.</p> <p>9 He's semiretired.</p> <p>10 Q Good for him.</p> <p>11 A It is.</p> <p>12 Q How do you know Dr. Crumbley?</p> <p>13 A We worked together. We would bring</p> <p>14 him out for training to our staff and teams early</p> <p>15 on in our kinship work. So I would say back in</p> <p>16 maybe early 2000. And so he conducted a lot of</p> <p>17 trainings and consultation when we were developing,</p> <p>18 you know, some of our programming. I've seen him</p> <p>19 at national conferences. Yeah, he's -- he's a</p> <p>20 colleague, and I consider him a great friend as</p> <p>21 well.</p> <p>22 Q So when you -- would it be fair to</p>	<p style="text-align: right;">Page 49</p> <p>1 Q Strike that. That's fine.</p> <p>2 What about West Virginia as a state</p> <p>3 generally, did you have any familiarity with West</p> <p>4 Virginia before working on this case?</p> <p>5 MS. UNGER: Objection.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MS. SIEGENBERG:</p> <p>8 Q Have you ever been to West Virginia?</p> <p>9 A No.</p> <p>10 Q Okay. So could you tell me a bit</p> <p>11 about your understanding of kinship care in West</p> <p>12 Virginia?</p> <p>13 MS. UNGER: Objection. Confusing.</p> <p>14 THE WITNESS: Can you ask that again?</p> <p>15 I'm sorry.</p> <p>16 BY MS. SIEGENBERG:</p> <p>17 Q Sure.</p> <p>18 Could you tell me a bit about your</p> <p>19 understanding of kinship care in West Virginia?</p> <p>20 For example, how is kinship care defined in West</p> <p>21 Virginia?</p> <p>22 MS. UNGER: Objection.</p>

<p style="text-align: right;">Page 50</p> <p>1 THE WITNESS: I don't -- I don't</p> <p>2 know. I was limited to the documents that I was</p> <p>3 privy to in this case.</p> <p>4 BY MS. SIEGENBERG:</p> <p>5 Q What do you mean by the documents</p> <p>6 that you were privy to in this case?</p> <p>7 A As I was saying in the beginning, the</p> <p>8 70-or-so documents that I had access to on West</p> <p>9 Virginia child welfare policy, practice, and</p> <p>10 whatever was noted in terms of kinship care within</p> <p>11 those documents.</p> <p>12 Q So starting on page 22 of your report</p> <p>13 is Appendix A, which has a list of considered</p> <p>14 materials. Are those the 70 documents that you're</p> <p>15 referring to?</p> <p>16 A Yes.</p> <p>17 Q So how did you decide to include</p> <p>18 those documents in this report?</p> <p>19 MS. UNGER: Objection.</p> <p>20 THE WITNESS: They were all materials</p> <p>21 that I considered in forming my opinion about this</p> <p>22 case.</p>	<p style="text-align: right;">Page 52</p> <p>1 THE WITNESS: I don't know that I</p> <p>2 could answer that question.</p> <p>3 BY MS. SIEGENBERG:</p> <p>4 Q Because it wasn't in any of the</p> <p>5 material that you reviewed?</p> <p>6 MS. UNGER: Objection. Misstates the</p> <p>7 witness' testimony.</p> <p>8 THE WITNESS: Can you repeat the</p> <p>9 question again? I don't know if I understand it</p> <p>10 correctly.</p> <p>11 BY MS. SIEGENBERG:</p> <p>12 Q Sure.</p> <p>13 So why do you feel like you don't</p> <p>14 have an understanding of how kinship care is</p> <p>15 defined in West Virginia?</p> <p>16 MS. UNGER: Objection.</p> <p>17 THE WITNESS: I don't know that I can</p> <p>18 answer that.</p> <p>19 BY MS. SIEGENBERG:</p> <p>20 Q When you did your own independent</p> <p>21 research in preparing this report, did you read</p> <p>22 anything that provided a definition of kinship care</p>
<p style="text-align: right;">Page 51</p> <p>1 BY MS. SIEGENBERG:</p> <p>2 Q And were they -- were all of the</p> <p>3 documents that are listed here provided to you by</p> <p>4 plaintiffs' counsel?</p> <p>5 A Yes.</p> <p>6 Q So you didn't go out and do any</p> <p>7 independent research to find any of these</p> <p>8 materials?</p> <p>9 A No.</p> <p>10 Q Did you do any independent research</p> <p>11 on kinship care in West Virginia generally?</p> <p>12 MS. UNGER: Objection.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MS. SIEGENBERG:</p> <p>15 Q And is what you found in that</p> <p>16 independent research included in this Appendix A?</p> <p>17 A Yes.</p> <p>18 Q So going back to my initial question:</p> <p>19 What is your understanding of how kinship care is</p> <p>20 defined in West Virginia?</p> <p>21 Can you answer that question?</p> <p>22 MS. UNGER: Objection. Vague.</p>	<p style="text-align: right;">Page 53</p> <p>1 in West Virginia?</p> <p>2 A My opinion from what I have read,</p> <p>3 that West Virginia was starting to develop</p> <p>4 programming specific to kinship care and kinship</p> <p>5 support services or kinship navigation program</p> <p>6 through Mission, I think, West Virginia started in</p> <p>7 2018. So it seems relatively new in terms of their</p> <p>8 practice and philosophy on movement towards, you</p> <p>9 know, a really robust kinship programming. So I</p> <p>10 wouldn't want to comment on that.</p> <p>11 Q And was there a particular document</p> <p>12 that you can think of that is the basis for your</p> <p>13 opinion?</p> <p>14 A I know the kinship assessment that</p> <p>15 was conducted by 2nd Chance actually gave a lot of</p> <p>16 really good information on -- or feedback, I guess,</p> <p>17 to West Virginia on the current state.</p> <p>18 Q And any -- any other documents that</p> <p>19 you reviewed that kind of spoke about kinship care</p> <p>20 in West Virginia? How kinship is defined in West</p> <p>21 Virginia? West Virginia's history --</p> <p>22 MS. UNGER: Objection.</p>

<p style="text-align: right;">Page 54</p> <p>1 BY MS. SIEGENBERG:</p> <p>2 Q -- providing kinship care</p> <p>3 programming?</p> <p>4 MS. UNGER: I just want to note that</p> <p>5 there's a list of documents at the end of Beverly's</p> <p>6 report. And she's identified them already as the</p> <p>7 documents that she considered in reaching her</p> <p>8 opinion.</p> <p>9 BY MS. SIEGENBERG:</p> <p>10 Q Can you still answer my question?</p> <p>11 A Yes. I would say that -- I can't</p> <p>12 list all of the documents. I mean, they are listed</p> <p>13 in my report, but there were a number in of -- you</p> <p>14 know, like the survey that they did for foster care</p> <p>15 providers and feedback that they were given from</p> <p>16 caregivers --</p> <p>17 Q So --</p> <p>18 A -- on kinship.</p> <p>19 Q So just to make sure that I</p> <p>20 understand your opinion or your understanding of</p> <p>21 where West Virginia is at right now, kinship. In</p> <p>22 your review you saw material, documents, evidence</p>	<p style="text-align: right;">Page 56</p> <p>1 looked like before 2018?</p> <p>2 A No.</p> <p>3 Q Okay. So I have a few more questions</p> <p>4 about kind of your understanding of kinship care in</p> <p>5 West Virginia. So to the best that you can, if you</p> <p>6 could answer how you understand or what you know</p> <p>7 about kinship care in West Virginia.</p> <p>8 So, just to confirm, you do not know</p> <p>9 how kinship care is defined in West Virginia. Is</p> <p>10 that correct?</p> <p>11 MS. UNGER: Objection.</p> <p>12 THE WITNESS: No.</p> <p>13 BY MS. SIEGENBERG:</p> <p>14 Q Do you know if there were different</p> <p>15 types of kinship placements in West Virginia?</p> <p>16 A Yes.</p> <p>17 Q Okay. What are the different types</p> <p>18 of kinship placements in West Virginia?</p> <p>19 A Certified and non-certified.</p> <p>20 Q Yep.</p> <p>21 So how would you describe certified</p> <p>22 kinship in West Virginia?</p>
<p style="text-align: right;">Page 55</p> <p>1 speaking about semi-recent, maybe from 2018</p> <p>2 forward, steps that West Virginia was taking to</p> <p>3 improve and develop its kinship programming. Does</p> <p>4 that sound right?</p> <p>5 MS. UNGER: Objection.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MS. SIEGENBERG:</p> <p>8 Q Did you see any documents or</p> <p>9 information from before 2018 that spoke to West</p> <p>10 Virginia's kinship programming?</p> <p>11 MS. UNGER: Objection. I would just</p> <p>12 note again for the record that if you look at the</p> <p>13 list of documents, there are plenty of documents</p> <p>14 stated to before 2018.</p> <p>15 BY MS. SIEGENBERG:</p> <p>16 Q Can you still answer my question,</p> <p>17 please?</p> <p>18 A Can you ask that again?</p> <p>19 Q Sure.</p> <p>20 So are there any documents or</p> <p>21 information that you reviewed from before 2018 that</p> <p>22 spoke to what West Virginia's kinship programming</p>	<p style="text-align: right;">Page 57</p> <p>1 A From my understanding, certified</p> <p>2 would be those families who received the same</p> <p>3 access to services as families that are</p> <p>4 non-related.</p> <p>5 Q Okay. And what about uncertified?</p> <p>6 A And uncertified would not get the</p> <p>7 same types of supports, such as financial,</p> <p>8 uncertified.</p> <p>9 Q Why do you think that uncertified</p> <p>10 caregivers don't receive the same supports?</p> <p>11 A Well, it's noted in -- it's noted in</p> <p>12 different places that they don't. And it's noted</p> <p>13 in my report the difference.</p> <p>14 Q Can you think of any specific</p> <p>15 examples off the top of your head or if you would</p> <p>16 like to take a minute to review your report, you</p> <p>17 can do that, too.</p> <p>18 MS. UNGER: I want to note one more</p> <p>19 time for the record that Beverly has said that at</p> <p>20 the end of her report has all of the documents that</p> <p>21 she considered in reaching the conclusions in the</p> <p>22 report, which, you know, include the conclusions</p>

<p style="text-align: right;">Page 58</p> <p>1 that you are now asking her about.</p> <p>2 THE WITNESS: It's -- in my opinion,</p> <p>3 it's kind of common knowledge that a certified</p> <p>4 family gets more services than an uncertified</p> <p>5 family.</p> <p>6 BY MS. SIEGENBERG:</p> <p>7 Q So you mentioned financial as an</p> <p>8 example of that. Can you think of any other</p> <p>9 examples for West Virginia?</p> <p>10 A Training. Uncertified families are</p> <p>11 not required to go through any kind of training on</p> <p>12 the care and welfare of the child in their home.</p> <p>13 Q Is the training available to</p> <p>14 uncertified families in West Virginia?</p> <p>15 A I don't know.</p> <p>16 Q Do you think if the training was</p> <p>17 available to uncertified families, that would</p> <p>18 change your opinion?</p> <p>19 MS. UNGER: Objection. Calls for</p> <p>20 speculation.</p> <p>21 THE WITNESS: No.</p> <p>22</p>	<p style="text-align: right;">Page 60</p> <p>1 BY MS. SIEGENBERG:</p> <p>2 Q Okay. So when you say "common</p> <p>3 knowledge," you mean it's publicly available</p> <p>4 knowledge contained in the policies that you</p> <p>5 reviewed?</p> <p>6 A I think I was -- I was speaking of my</p> <p>7 knowledge about more on the national and also</p> <p>8 California.</p> <p>9 Q Okay. And so you mentioned earlier</p> <p>10 when you were talking about kinship services that</p> <p>11 you provided in California, you mentioned that</p> <p>12 there are informal kinship caregivers. And you</p> <p>13 said that they were the same thing as non-certified</p> <p>14 kinship.</p> <p>15 Is it your understanding that West</p> <p>16 Virginia has informal kinship caregivers?</p> <p>17 A Yes.</p> <p>18 Q Why is that your conclusion?</p> <p>19 MS. UNGER: I want to note once more</p> <p>20 that all of the documents as Beverly mentioned upon</p> <p>21 which she based her conclusion are at the list at</p> <p>22 the end of this report.</p>
<p style="text-align: right;">Page 59</p> <p>1 BY MS. SIEGENBERG:</p> <p>2 Q When you say that it's common</p> <p>3 knowledge that uncertified caregivers receive fewer</p> <p>4 supports and services, what do you mean by "common</p> <p>5 knowledge"?</p> <p>6 A So I'll take it kind of back to the</p> <p>7 report. In my review of the policies that West</p> <p>8 Virginia had certified -- or uncertified families</p> <p>9 are not required to go through the same licensing</p> <p>10 standards as a certified family.</p> <p>11 Q Off the top of your head, can you</p> <p>12 think of which policies you reviewed that said</p> <p>13 that?</p> <p>14 MS. UNGER: I want to note again for</p> <p>15 the record once more, there's a list of documents</p> <p>16 at the end of the report. And Beverly has already</p> <p>17 stated that she based all these conclusions and</p> <p>18 opinions on those reports.</p> <p>19 THE WITNESS: I reviewed numerous</p> <p>20 policies on adoption and foster care, so it's</p> <p>21 contained in one of those documents.</p> <p>22</p>	<p style="text-align: right;">Page 61</p> <p>1 THE WITNESS: I don't know if I can</p> <p>2 answer that.</p> <p>3 BY MS. SIEGENBERG:</p> <p>4 Q Is it your understanding that</p> <p>5 uncertified kinship caregivers in West Virginia are</p> <p>6 the same thing as -- or the equivalent of informal</p> <p>7 kinship caregivers that you've spoken about and had</p> <p>8 experience with in California?</p> <p>9 MS. UNGER: Objection. Confusing.</p> <p>10 THE WITNESS: I don't know.</p> <p>11 BY MS. SIEGENBERG:</p> <p>12 Q Do you think that knowing whether or</p> <p>13 not there's a distinction between those two types</p> <p>14 of caregivers would be important in assessing West</p> <p>15 Virginia's kinship program?</p> <p>16 MS. UNGER: Objection.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MS. SIEGENBERG:</p> <p>19 Q Why do you think it would be</p> <p>20 important or helpful?</p> <p>21 A Well, it serves as one of the areas</p> <p>22 I'm looking at as far as the types of services and</p>

<p style="text-align: right;">Page 66</p> <p>1 documents that begin with the letter D, and then it</p> <p>2 looks like there's one beginning with the letter P,</p> <p>3 did get all of those from plaintiffs' attorneys to</p> <p>4 help you in preparing your report?</p> <p>5 A Yes.</p> <p>6 Q And did you get these documents based</p> <p>7 on what you requested or information you asked for</p> <p>8 from them?</p> <p>9 MS. UNGER: I just want to put on the</p> <p>10 record that ABC provided all of the available</p> <p>11 information on kinship care of our own volition and</p> <p>12 decision, I think.</p> <p>13 BY MS. SIEGENBERG:</p> <p>14 Q Can you answer the question for me,</p> <p>15 please, Ms. Johnson?</p> <p>16 A Can you say the question again?</p> <p>17 Q Sure.</p> <p>18 So were these documents, the ones</p> <p>19 that are Bates-numbered, were they provided to you</p> <p>20 based on information you asked for?</p> <p>21 A No.</p> <p>22 Q Were any of these documents provided</p>	<p style="text-align: right;">Page 68</p> <p>1 Q And what were you asked to provide an</p> <p>2 opinion on?</p> <p>3 A West Virginia's handling of specific</p> <p>4 kinship cases as part of this subclass.</p> <p>5 Q And when you say specific kinship</p> <p>6 cases or when you say handling of specific kinship</p> <p>7 cases, what do you mean by that?</p> <p>8 A Just my review was looking at the</p> <p>9 process for which the -- is it DHHR? Sorry.</p> <p>10 Q Yes. That's fine, it's DHHR.</p> <p>11 A -- DHHR, the types of services and</p> <p>12 supports that they were providing these children in</p> <p>13 this particular class.</p> <p>14 MS. UNGER: I just want to jump in</p> <p>15 and add something to something that I put on the</p> <p>16 record before. So ABC provided this sort of lump</p> <p>17 sum of documents to Ms. Johnson at the start and we</p> <p>18 did supplement it a little bit throughout, but it</p> <p>19 wasn't in response to Ms. Johnson's request.</p> <p>20 BY MS. SIEGENBERG:</p> <p>21 Q Did you ask plaintiffs' counsel for</p> <p>22 any documents or any information at any point in</p>
<p style="text-align: right;">Page 67</p> <p>1 to you in response to your request for some</p> <p>2 specific piece of information you felt like you</p> <p>3 were missing?</p> <p>4 MS. UNGER: I just want to put on the</p> <p>5 record that ABC provided all of the documents at</p> <p>6 the start of Ms. Johnson's assignment and there</p> <p>7 wasn't sort of a go back and forth and provide more</p> <p>8 documents throughout. You know, this is one lump</p> <p>9 sum.</p> <p>10 BY MS. SIEGENBERG:</p> <p>11 Q Okay. Strike that question then.</p> <p>12 Were you specifically asked to</p> <p>13 include any of these documents that are listed in</p> <p>14 Appendix A?</p> <p>15 A No.</p> <p>16 Q Okay. And what is your understanding</p> <p>17 of your assignment in this case from the</p> <p>18 plaintiffs' attorney?</p> <p>19 A To do a review of the considered</p> <p>20 materials in forming my opinion and bringing in any</p> <p>21 research or expertise that I had about the subject</p> <p>22 of kinship care.</p>	<p style="text-align: right;">Page 69</p> <p>1 your process of preparing the report?</p> <p>2 A No.</p> <p>3 Q Sorry, I was asking a line of</p> <p>4 questioning and then I lost track of where I was.</p> <p>5 So when you said when I asked you</p> <p>6 about how -- what you meant by handling specific</p> <p>7 kinship cases, and you said something along the</p> <p>8 lines of children being in a specific subclass.</p> <p>9 Does that sound right?</p> <p>10 A Yes.</p> <p>11 Q How would you define the subclass</p> <p>12 that you're referring to?</p> <p>13 A So in my review I was asked to look</p> <p>14 at the specific cases involving kinship care for</p> <p>15 the children in West Virginia as part of this</p> <p>16 review.</p> <p>17 Q When you say "specific cases," do you</p> <p>18 mean individual children's case?</p> <p>19 A No.</p> <p>20 Q Okay. So what do you mean by</p> <p>21 specific cases?</p> <p>22 A I was asked to review the kinship</p>

<p style="text-align: right;">Page 70</p> <p>1 practices and policies at this time -- at the time</p> <p>2 of this and provide my expertise to that.</p> <p>3 Q And when you say you were also asked</p> <p>4 to provide your opinion as to the practices and</p> <p>5 policies currently in place with respect to kinship</p> <p>6 care in West Virginia?</p> <p>7 MS. UNGER: Objection.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MS. SIEGENBERG:</p> <p>10 Q Were you asked to provide -- strike</p> <p>11 that.</p> <p>12 Were you asked to look at what West</p> <p>13 Virginia was doing well or just to look at what</p> <p>14 they could be improving?</p> <p>15 MS. UNGER: Objection.</p> <p>16 THE WITNESS: I was asked to look at</p> <p>17 it all from an objective standpoint.</p> <p>18 BY MS. SIEGENBERG:</p> <p>19 Q Okay. So can you walk me through</p> <p>20 your process of preparing this report?</p> <p>21 A So I did a lot of reading and</p> <p>22 reviewing of material and taking my own notes. It</p>	<p style="text-align: right;">Page 72</p> <p>1 MS. UNGER: Objection.</p> <p>2 THE WITNESS: No.</p> <p>3 BY MS. SIEGENBERG:</p> <p>4 Q So what did you do specifically to</p> <p>5 learn about West Virginia's policies and practices</p> <p>6 regarding kinship care?</p> <p>7 MS. UNGER: Objection. Asked and</p> <p>8 answered.</p> <p>9 THE WITNESS: Can you ask that</p> <p>10 question again?</p> <p>11 BY MS. SIEGENBERG:</p> <p>12 Q Sure.</p> <p>13 What did you do specifically to learn</p> <p>14 about West Virginia's policies and practices</p> <p>15 regarding kinship care?</p> <p>16 A I reviewed the documents that were</p> <p>17 available to me provided by ABC. And then I did a</p> <p>18 little bit of research on -- well, I don't know.</p> <p>19 In comparison, I -- I Googled kinship care of West</p> <p>20 Virginia, and was kind of surprised I didn't see a</p> <p>21 lot actually out there. And some of those</p> <p>22 documents and references are obviously in the list</p>
<p style="text-align: right;">Page 71</p> <p>1 was very laborious in a lot of ways, culling</p> <p>2 through, you know, just probably thousands of --</p> <p>3 of -- maybe more hundreds. I didn't do a -- I</p> <p>4 couldn't do that, but hundreds of pages of</p> <p>5 documents, noting kind of what the -- you know, the</p> <p>6 overall children welfare policy was.</p> <p>7 So my process was doing a lot of</p> <p>8 review and then tying that back to my own knowledge</p> <p>9 base about what I know is effective kinship</p> <p>10 practice for child welfare population. So it</p> <p>11 was -- and so I did a lot of writing and then I</p> <p>12 would bring in other research that I know about</p> <p>13 confirming what is involved in the expert report</p> <p>14 that I prepared.</p> <p>15 Q And did you review any of the other</p> <p>16 expert reports for this case?</p> <p>17 A No.</p> <p>18 Q You mentioned earlier that you</p> <p>19 reviewed the complaint in this case.</p> <p>20 Besides reviewing the complaint, do</p> <p>21 you know anything about the individual named</p> <p>22 plaintiffs in this case?</p>	<p style="text-align: right;">Page 73</p> <p>1 of considered materials, in Appendix A.</p> <p>2 Q Are any of those West</p> <p>3 Virginia-specific documents or information that you</p> <p>4 found through your own independent Googling, are</p> <p>5 those all reflected in the Bates-numbered documents</p> <p>6 in Appendix A or are any of those the other</p> <p>7 non-Bates-numbered sources that you have here?</p> <p>8 A They are the other -- the non-Bates</p> <p>9 would be my research that I brought in.</p> <p>10 Q Okay. And are any of these</p> <p>11 non-Bates-numbered sources -- strike that.</p> <p>12 Are any of these non-Bates-numbered</p> <p>13 sources provided to you by plaintiffs' counsel?</p> <p>14 A No.</p> <p>15 Q So just to confirm, all of the</p> <p>16 non-Bates-numbered sources you found through your</p> <p>17 own experience and your own research?</p> <p>18 MS. UNGER: Objection. Asked and</p> <p>19 answered.</p> <p>20 THE WITNESS: Okay. Can you ask that</p> <p>21 again --</p> <p>22</p>

<p style="text-align: right;">Page 90</p> <p>1 to kinship needs, the availability of funding,</p> <p>2 supports that are necessary for kinship caregivers,</p> <p>3 having a kinship first philosophy from all levels,</p> <p>4 and being able to provide a level of emergency</p> <p>5 funding respite care, and understanding the unique</p> <p>6 needs of kin caregivers, would all be encompassed</p> <p>7 in best practices, like FTTA spells out.</p> <p>8 Q Where do they spell those best</p> <p>9 practices out?</p> <p>10 A In -- in their licensing -- foster</p> <p>11 care licensing standards.</p> <p>12 Q Is that the Program Standards for</p> <p>13 Treatment Foster Care 5th Edition that you cite to</p> <p>14 Note 4 on page 4?</p> <p>15 A Yes.</p> <p>16 Q In your opinion, is there a</p> <p>17 difference between best practices and program</p> <p>18 standards or are they the same thing in your mind?</p> <p>19 MS. UNGER: Objection.</p> <p>20 THE WITNESS: They're the same thing</p> <p>21 in my mind.</p> <p>22</p>	<p style="text-align: right;">Page 92</p> <p>1 are the non-referenced standards that we were</p> <p>2 talking about, right?</p> <p>3 A Yes.</p> <p>4 Q And are those standards specific to</p> <p>5 kinship programs?</p> <p>6 A There is some specificity applied in</p> <p>7 the foster home licensing standards from NARA.</p> <p>8 Q What do you mean by some specificity?</p> <p>9 A Just as in the FFTA's best practices</p> <p>10 or the treatment -- I can't remember the exact name</p> <p>11 of that document you just referred to from the</p> <p>12 FFTA, sorry, treatment standards -- best treatment</p> <p>13 standards for foster care. It culls out</p> <p>14 information that you need to know specifically for</p> <p>15 kinship families when applying, depending on the</p> <p>16 area that you're looking at.</p> <p>17 Q And how are the NARA standards</p> <p>18 similar or different from the national model</p> <p>19 standards adopted by the federal government?</p> <p>20 A I don't know that I can answer that.</p> <p>21 Q How come?</p> <p>22 A Because the Children's Bureau, the</p>
<p style="text-align: right;">Page 91</p> <p>1 BY MS. SIEGENBERG:</p> <p>2 Q Okay. And so the -- the Program</p> <p>3 Standards for Treatment Foster Care 5th Edition,</p> <p>4 that you refer to here, are those standards</p> <p>5 specific to kinship programs?</p> <p>6 A It's a general overview for all</p> <p>7 foster care placements, which would apply to</p> <p>8 kinship caregivers, but then it culls out in each</p> <p>9 of the sections the uniqueness of kinship care and</p> <p>10 how you need to alter your practice to consider the</p> <p>11 unique needs of kinship caregivers.</p> <p>12 Q Okay. So were you only relying on</p> <p>13 those kinship-specific portions of the program</p> <p>14 standards when you were applying these standards in</p> <p>15 evaluating West Virginia?</p> <p>16 A No. I relied also on my own</p> <p>17 knowledge base and expertise in running effective</p> <p>18 programming for kinship caregivers that are</p> <p>19 carrying for kids in the childcare welfare.</p> <p>20 Q Okay. And in this statement in your</p> <p>21 report, you also refer to the Model Family Foster</p> <p>22 Home Licensing Standards. Are those -- and those</p>	<p style="text-align: right;">Page 93</p> <p>1 U.S. Department of Health and Human Services,</p> <p>2 relied on NARA's foster home licensing standards to</p> <p>3 base their model off of. So I don't know that it</p> <p>4 would be very much different. And I think, again,</p> <p>5 it speaks to kind of the general -- the general</p> <p>6 guidelines because they're looking at across the</p> <p>7 nation, right, and states. And county entities</p> <p>8 could have their own sort of ways of approaching</p> <p>9 the standards.</p> <p>10 Q Are those local ways of approaching</p> <p>11 the standards reflected in the NARA model</p> <p>12 standards?</p> <p>13 A No, not to my knowledge.</p> <p>14 Q Are you aware that the October 2019</p> <p>15 kinship study done by 2nd Chance found that West</p> <p>16 Virginia meets the federal model standards for home</p> <p>17 studies and caregiver training with respect to</p> <p>18 kinship programming?</p> <p>19 A I -- I wasn't aware. If they are,</p> <p>20 it's October of 2019, so I would believe that</p> <p>21 they're just kind of getting on that road to do</p> <p>22 that, in terms of creating a strong kinship care</p>

<p style="text-align: right;">Page 94</p> <p>1 program for the kids in West Virginia.</p> <p>2 Q What do you mean by that?</p> <p>3 A It's my opinion that West Virginia</p> <p>4 responded kind of later in the game of kinship care</p> <p>5 practices that were really prevalent nationally.</p> <p>6 There was a lot going on. And it's pulled out in</p> <p>7 my report, or identified in my report. So</p> <p>8 that's -- that's great, 2019. And I did review</p> <p>9 that report, but there were also some deficiencies</p> <p>10 noted in that report.</p> <p>11 Q Okay. So when you say that West</p> <p>12 Virginia -- in your opinion, based on your review,</p> <p>13 West Virginia was late in the game, can you give me</p> <p>14 some examples of policies or practices that you</p> <p>15 think they should have adopted sooner?</p> <p>16 MS. UNGER: Objection. Misstates the</p> <p>17 witness' testimony.</p> <p>18 THE WITNESS: I -- I -- I think in</p> <p>19 2008, was when there was the Federal Opportunities</p> <p>20 To Success Act -- and I probably have that -- it's</p> <p>21 pointed out in my report -- to basically look at</p> <p>22 removing kids -- increasing family connections and</p>	<p style="text-align: right;">Page 96</p> <p>1 THE WITNESS: It appears so. Yes.</p> <p>2 BY MS. SIEGENBERG:</p> <p>3 Q Okay. So going back to that sentence</p> <p>4 that we were just talking about on the bottom of</p> <p>5 page 4, you said that you referred to professional</p> <p>6 literature in the field. What does that mean?</p> <p>7 A Research on kinship care that's</p> <p>8 prevalent and provided in my list of references.</p> <p>9 Q When you say "prevalent," what do you</p> <p>10 mean?</p> <p>11 A The -- the available research that's</p> <p>12 available.</p> <p>13 Q On kinship programming?</p> <p>14 A On kinship -- yes, on kinship</p> <p>15 programming. And the benefits and outcomes of</p> <p>16 children and families in kinship care.</p> <p>17 Q And how did you decide what</p> <p>18 professional literature in the field to consult?</p> <p>19 A Well, I would look at who is</p> <p>20 routinely doing research on kinship care and on the</p> <p>21 types of studies that are out there and whether or</p> <p>22 not there are -- there's a good enough population</p>
<p style="text-align: right;">Page 95</p> <p>1 moving kids to permanent permanency. So with that</p> <p>2 legislation in 2008, a lot of funding came out for</p> <p>3 kinship navigation programming and ways to find</p> <p>4 family.</p> <p>5 So that's when the Federal</p> <p>6 Administration Project began on our end in</p> <p>7 California, the Lilliput Families. So there was</p> <p>8 a lot of, I guess, noise about that and funding</p> <p>9 available for states nationally to provide a</p> <p>10 kinship support in some way.</p> <p>11 BY MS. SIEGENBERG:</p> <p>12 Q Through the federal kinship</p> <p>13 navigation programs --</p> <p>14 A Yes.</p> <p>15 Q -- which West Virginia now does do as</p> <p>16 of today. Is that your understanding?</p> <p>17 A I believe so.</p> <p>18 Q Okay. So as of now you would agree</p> <p>19 that they are involved in and working on and</p> <p>20 implementing new policies and best practices for</p> <p>21 kinship?</p> <p>22 MS. UNGER: Objection.</p>	<p style="text-align: right;">Page 97</p> <p>1 or relevant enough population to make, you know,</p> <p>2 some associations in terms of that research. So</p> <p>3 whether it was robust or not.</p> <p>4 Q Okay. And on the top of page 5 you</p> <p>5 say, "At this stage of the matter, plaintiffs have</p> <p>6 not completed discovery and, therefore, I do not</p> <p>7 have access to all of the relevant information."</p> <p>8 Do you see that?</p> <p>9 A Yes.</p> <p>10 Q What relevant information did you</p> <p>11 feel like you were missing?</p> <p>12 A Information on how the department is</p> <p>13 tracking compliance to procedures and policies that</p> <p>14 they're implementing to ensure that services and</p> <p>15 programs are running to benefit the children and</p> <p>16 their.</p> <p>17 Q Did you ask if plaintiffs' counsel</p> <p>18 had that information?</p> <p>19 MS. UNGER: I just want to put on the</p> <p>20 record, again, that we provided Ms. Johnson with</p> <p>21 all relevant documents that defendants had</p> <p>22 produced. So if there was some document from the</p>

<p style="text-align: right;">Page 110</p> <p>1 developing these programs and working with county 2 systems and doing trainings and consulting, we look 3 at, is the department doing enough to actually find 4 a family, because if we're not finding a family to 5 place, then it's kind of a moot point. We need 6 family. So what are the placement rates with 7 kinship? Is there a philosophy of kin first? 8 You know, that kinship caregiving is 9 a value and that we have all levels, the courts, 10 the whole entire system wrapping themselves around 11 the practices and policies that support a strong 12 kinship system. 13 A streamlined licensing process, it's 14 very different than unmatched families coming 15 through. Many caregivers are, at a moment's 16 notice, asked to take in a child. They clear kind 17 of their perspective safety, we do that. And then 18 we go back to the home and follow up with, you 19 know, a study on them and then try to connect them. 20 If we don't have that process down, 21 it's not streamlined enough, they don't really 22 understand what's going on. It's a very traumatic</p>	<p style="text-align: right;">Page 112</p> <p>1 emergency funding available to help them with those 2 initial costs that are -- that an unmatched family, 3 or a non-related family, in foster care doesn't 4 even have to consider. They have all this prep 5 time in going through training, kinship caregivers 6 don't normally have that. 7 And then I think a strong 8 community-based services environment where there 9 are either agencies in the community, family 10 resource centers that were connecting and linking 11 these families to. 12 Q Did you evaluate each of these eight 13 areas for West Virginia? 14 MS. UNGER: Objection. Asked and 15 answered. 16 THE WITNESS: I did what I could with 17 the available information that was provided to me. 18 BY MS. SIEGENBERG: 19 Q Okay. So I'm going to go through 20 each of the eight bullet point -- each of these 21 areas and ask you some questions about them. 22 So the first one is kinship placement</p>
<p style="text-align: right;">Page 111</p> <p>1 situation for the family. And it brings up a lot 2 of family dynamics. 3 So it has to include a process for 4 recognizing that we need to do some things to waive 5 sort of those non-safety regulations that would 6 ordinarily have an unmatched or a non-related 7 family opt-out. 8 Training on, you know -- to our staff 9 in the field that explores bias. There's a lot of 10 bias that I think needs to be addressed in many, 11 many cultures of organizations and agencies. And 12 without that, the programs, the policies, 13 procedures that we have, really are for not, if we 14 don't have a really strong training component on 15 the differences between kinship and unmatched 16 families. 17 Pre-service training for our families 18 that take into account their special needs as 19 kinship families. Making sure we have trainings 20 that are in the evenings. Waiting maybe certain 21 trainings on having available funding for our 22 families, such as emergency funding, just basic</p>	<p style="text-align: right;">Page 113</p> <p>1 rates. Is a higher kinship placement rate a good 2 thing or a bad thing? 3 MS. UNGER: Objection. 4 THE WITNESS: It depends. It depends 5 on the types of services and supports that are 6 available to families. So placing with relatives 7 and -- and I will use the uncertified and not 8 certifying them and having them knowledgeable about 9 the kinds of resources and supports they can get 10 through a certification process, even though it 11 seems like a barrier to many kinship families or 12 they don't have all the information, would then -- 13 that's where I would decide, "Okay. Yeah, I think 14 that they have a good" -- it depends on the level 15 of supports that you provide families. 16 BY MS. SIEGENBERG: 17 Q So let me just see if I'm 18 understanding you correctly. A high or a low 19 kinship rate could be a positive or negative sign, 20 depending on the other supports that are available? 21 A Yes. 22 Q Okay. Did you evaluate West</p>

<p style="text-align: right;">Page 114</p> <p>1 Virginia's kinship placement rate?</p> <p>2 A I looked at that. I had information</p> <p>3 about that.</p> <p>4 Q So would that --</p> <p>5 A Yeah, I mean, over half of their</p> <p>6 children are in kinship care.</p> <p>7 Q So is that a positive sign?</p> <p>8 A I see that as a positive sign.</p> <p>9 Q So the next bullet point says, "Kin</p> <p>10 first philosophy that drives organizational culture</p> <p>11 and subsequent practices and policies that support</p> <p>12 such a philosophy." So am I correct in</p> <p>13 understanding that in your opinion having a kin</p> <p>14 first philosophy or a kin first policy is a good</p> <p>15 thing?</p> <p>16 A Yeah.</p> <p>17 Q Okay. How would you generally define</p> <p>18 a kin first philosophy?</p> <p>19 A I think in a nutshell it's about</p> <p>20 always considering the family first regardless of</p> <p>21 how difficult and complex these families are and</p> <p>22 how challenging it might be to get them the</p>	<p style="text-align: right;">Page 116</p> <p>1 streams that families have access to, having</p> <p>2 gatekeepers for ensuring that the policies and</p> <p>3 practices for kinship care are followed through.</p> <p>4 And I think having availability of a</p> <p>5 system that can do checks and balances and can</p> <p>6 check on the work of -- you know, of the</p> <p>7 caseworkers that are involved in the direct work</p> <p>8 with these families.</p> <p>9 Q So did you evaluate this bullet</p> <p>10 point, this area, with respect to West Virginia?</p> <p>11 A I looked at it from that angle with</p> <p>12 what I had available to me to make that evaluation.</p> <p>13 Q Okay. So is it your understanding</p> <p>14 that West Virginia and DHHR has in place a kin</p> <p>15 first philosophy?</p> <p>16 A I -- I don't know that I can answer</p> <p>17 that.</p> <p>18 Q Why not?</p> <p>19 A I would say it looks like, and</p> <p>20 appears, that they're moving in that direction.</p> <p>21 Q What makes you say that?</p> <p>22 A Because of some of the recent</p>
<p style="text-align: right;">Page 115</p> <p>1 supports and resources that they need, but that</p> <p>2 family is considered first in the placement of a</p> <p>3 child when you're looking at home care, because of</p> <p>4 all the research indicating that it minimizes</p> <p>5 trauma, leads to placement stability, keeps</p> <p>6 children in their communities. Especially when</p> <p>7 we're looking at the disproportionately of</p> <p>8 African-American and Hispanic children in the</p> <p>9 system.</p> <p>10 Q Do you mean on a national scale?</p> <p>11 A Yes.</p> <p>12 Q Okay. And what do you mean by saying</p> <p>13 that this kin first philosophy should drive</p> <p>14 organizational culture?</p> <p>15 What does that look like?</p> <p>16 A It's -- there's a lot to it. So I</p> <p>17 don't know that I can speak completely about that.</p> <p>18 But it's got to be driven from the top. I mean, it</p> <p>19 has to be administration takes a stance and they</p> <p>20 are, A, listening to their constituents, listening</p> <p>21 to their caregivers and relatives, and doing things</p> <p>22 like, you know, applying that to the funding</p>	<p style="text-align: right;">Page 117</p> <p>1 policies and movement. I mean, I think the kinship</p> <p>2 care assessment was good to get some feedback from</p> <p>3 an expert agency, 2nd Chance, to change things in</p> <p>4 the system that needed to be changed for the better</p> <p>5 of the children placed in kinship care.</p> <p>6 Q And so once you're -- strike that.</p> <p>7 Am I understanding you correctly,</p> <p>8 then, that your opinion is that DHHR does not</p> <p>9 currently have in place a kin first philosophy, but</p> <p>10 instead it's moving towards having one?</p> <p>11 A Yes.</p> <p>12 Q And just to confirm, you described,</p> <p>13 in a nutshell, a kin first philosophy has meaning</p> <p>14 having in place a policy where the family or</p> <p>15 fictive kin, if that's an option, are always</p> <p>16 considered as the first placement. Is that right?</p> <p>17 A Yes.</p> <p>18 Q And in your review of West Virginia's</p> <p>19 policies and practices, you did not see any --</p> <p>20 anywhere a written policy that that is the case?</p> <p>21 A No.</p> <p>22 Q Okay. And then kind of the second</p>

<p style="text-align: right;">Page 118</p> <p>1 part of this area was an organization culture. Did</p> <p>2 you evaluate that -- the organization -- whether or</p> <p>3 not a kin first, or moving towards a kin first</p> <p>4 philosophy, was impacting or driving organizational</p> <p>5 culture in West Virginia?</p> <p>6 MS. UNGER: Objection. Vague.</p> <p>7 Confusing.</p> <p>8 THE WITNESS: Can you ask that again,</p> <p>9 please?</p> <p>10 BY MS. SIEGENBERG:</p> <p>11 Q Sure.</p> <p>12 Basically I'm asking, did you</p> <p>13 evaluate the organizational culture aspects of this</p> <p>14 point bullet for West Virginia?</p> <p>15 A No.</p> <p>16 Q Okay. Why not?</p> <p>17 A I don't know that I could. I think</p> <p>18 it was limited to what was required of me to</p> <p>19 prepare this expert witness report and to review</p> <p>20 the materials --</p> <p>21 Q How so?</p> <p>22 A -- that were available to me.</p>	<p style="text-align: right;">Page 120</p> <p>1 BY MS. SIEGENBERG:</p> <p>2 Q Sure. Maybe I'll break them up.</p> <p>3 So the administration taking a firm</p> <p>4 position. Did you see that?</p> <p>5 A No.</p> <p>6 Q Listening to stakeholders?</p> <p>7 A I guess I would say I see evidence</p> <p>8 that the system is moving towards that, it appears.</p> <p>9 Q Okay.</p> <p>10 A From the documents that I had access</p> <p>11 to.</p> <p>12 Q Would it be accurate to say that, in</p> <p>13 your opinion, you see West Virginia taking steps</p> <p>14 towards putting this organizational culture in</p> <p>15 place?</p> <p>16 A Yes.</p> <p>17 Q Are those steps that -- in your</p> <p>18 opinion, are those steps that DHHR is taking</p> <p>19 positive steps?</p> <p>20 MS. UNGER: Objection. Confusing.</p> <p>21 THE WITNESS: I would say yes.</p> <p>22</p>
<p style="text-align: right;">Page 119</p> <p>1 Q So just to make sure I understand.</p> <p>2 You felt like the material that was available to</p> <p>3 you were not sufficient for you to adopt that for</p> <p>4 West Virginia?</p> <p>5 A Yes.</p> <p>6 Q Okay. So when you were describing</p> <p>7 for me how having a kin first philosophy would</p> <p>8 drive organizational culture, you mentioned how</p> <p>9 that would look. You gave us as an example of the</p> <p>10 administration taking a firm position, listening to</p> <p>11 stakeholders, applying funding streams to</p> <p>12 supporting caregivers.</p> <p>13 Are those accurate examples of what</p> <p>14 you said?</p> <p>15 A Yes.</p> <p>16 Q Okay. Did you see evidence of any of</p> <p>17 those things happening in West Virginia based on</p> <p>18 the documents that you reviewed?</p> <p>19 MS. UNGER: Objection.</p> <p>20 THE WITNESS: Can you say what those</p> <p>21 things were that you just talked about?</p> <p>22</p>	<p style="text-align: right;">Page 121</p> <p>1 BY MS. SIEGENBERG:</p> <p>2 Q Okay. So I think before I keep going</p> <p>3 on the eight bullet points, because we have quite a</p> <p>4 few more of them, I wanted to see if you wanted to</p> <p>5 take a short break?</p> <p>6 A Yes, that would be great.</p> <p>7 Q Okay. So how about since it's been a</p> <p>8 while, how about a 15-minute break this time?</p> <p>9 MS. UNGER: That's fine.</p> <p>10 MS. SIEGENBERG: Okay. I'm just</p> <p>11 going to round up, from 2:30 Eastern from --</p> <p>12 THE WITNESS: 11:00.</p> <p>13 MS. SIEGENBERG: -- which is 11:30</p> <p>14 Pacific, to 11:45 Pacific, and to 2:45 Eastern.</p> <p>15 THE WITNESS: All right.</p> <p>16 (Recess from 2:27 p.m. to 2:45 p.m.)</p> <p>17 BY MS. SIEGENBERG:</p> <p>18 Q So returning to where we were on your</p> <p>19 list of eight factors on page 5. The next one, I</p> <p>20 think, is a streamlined licensing process for</p> <p>21 kinship families. And it includes non-safety</p> <p>22 waivers.</p>

<p style="text-align: right;">Page 122</p> <p>1 So in your opinion is having a</p> <p>2 streamlined licensing process for kinship families</p> <p>3 a good thing?</p> <p>4 A Yes.</p> <p>5 Q And is having a licensing process for</p> <p>6 kinship families that includes the use or the</p> <p>7 availability of non-safety waivers a good thing?</p> <p>8 A Yes.</p> <p>9 Q And, generally, when you say a</p> <p>10 streamlined licensing process, what do you mean by</p> <p>11 that?</p> <p>12 A That there's maybe one worker</p> <p>13 involved kind of throughout that cycle. That you</p> <p>14 don't have, you know, numerous workers involved so</p> <p>15 that you can engage families in an effective way,</p> <p>16 that you're simplifying the process for families</p> <p>17 increasing their understanding of the process of</p> <p>18 which they're going to be going through. Those are</p> <p>19 a couple of things that I think would be very</p> <p>20 helpful in a streamline process.</p> <p>21 Q What are some examples of simplifying</p> <p>22 the process relative to kinship caregivers?</p>	<p style="text-align: right;">Page 124</p> <p>1 kinship families?</p> <p>2 MS. UNGER: Objection.</p> <p>3 THE WITNESS: I don't know.</p> <p>4 BY MS. SIEGENBERG:</p> <p>5 Q Is it your understanding that West</p> <p>6 Virginia's licensing process for kinship families</p> <p>7 includes the availability or the use of non-safety</p> <p>8 waivers?</p> <p>9 A I don't know.</p> <p>10 Q And just to confirm, when you say you</p> <p>11 don't know, is that because you haven't formed an</p> <p>12 opinion on this or because you didn't have</p> <p>13 information available to assess that?</p> <p>14 A I don't know that I had enough</p> <p>15 information to assess that.</p> <p>16 Q Okay. Moving on to the next bullet,</p> <p>17 "Staff training on kinship care that explores bias</p> <p>18 and emphasizes the distinct differences between</p> <p>19 kinship/unmatched families."</p> <p>20 Did you evaluate this for West</p> <p>21 Virginia?</p> <p>22 A I didn't have access to what their</p>
<p style="text-align: right;">Page 123</p> <p>1 A You know, I'm going to shut my door</p> <p>2 over here. Thank you.</p> <p>3 So you were asking -- again, could</p> <p>4 you ask again?</p> <p>5 Q Sure.</p> <p>6 So what are some examples of</p> <p>7 streamlining, or simplifying, I think, was the word</p> <p>8 you used, the process for relative or kinship</p> <p>9 caregivers?</p> <p>10 A I think I mentioned two things. I</p> <p>11 mean, I think those are the major things.</p> <p>12 Streamlining, I think, effectively recognizes the</p> <p>13 emergent nature of the placement itself. So it</p> <p>14 wraps that family immediately with the emergency</p> <p>15 supports and services that they usually require as</p> <p>16 a kinship family.</p> <p>17 Q And did you evaluate this area with</p> <p>18 respect to West Virginia?</p> <p>19 A No. I don't know that I had enough</p> <p>20 information.</p> <p>21 Q So is it your understanding that West</p> <p>22 Virginia has a streamlined licensing process for</p>	<p style="text-align: right;">Page 125</p> <p>1 staff training was.</p> <p>2 Q So you didn't have any information</p> <p>3 about the training that caseworkers go through?</p> <p>4 A No.</p> <p>5 Q Okay.</p> <p>6 MS. UNGER: I want to put on the</p> <p>7 record that Ms. Johnson didn't have access to that</p> <p>8 information because defendants never produced such</p> <p>9 information.</p> <p>10 BY MS. SIEGENBERG:</p> <p>11 Q Moving on to the next bullet, which</p> <p>12 says, "High quality, pre-service training that</p> <p>13 takes into account specific kinship needs." When</p> <p>14 you say pre-service training here, are you</p> <p>15 referring to training for caregivers or training</p> <p>16 for caseworkers?</p> <p>17 A The training provided to the</p> <p>18 caregivers.</p> <p>19 Q Okay. I just want to make sure I</p> <p>20 understood you. What do you mean by, "takes into</p> <p>21 account specific kinship needs"?</p> <p>22 A I think I referred to this the last</p>

<p style="text-align: right;">Page 126</p> <p>1 time, but just the emergency nature of kinship</p> <p>2 families', like, inability to just prepare because</p> <p>3 it's -- kids are placed usually in an emergency</p> <p>4 situation. So even just the -- the training</p> <p>5 provided to kinship families and making it amenable</p> <p>6 to their current needs, a lot of them are working.</p> <p>7 So, I mean, I guess that's an example of what I'm</p> <p>8 talking about.</p> <p>9 Q And did you evaluate if West</p> <p>10 Virginia's pre-service training takes into account</p> <p>11 specific kinship needs?</p> <p>12 A No. I didn't have enough information</p> <p>13 to make that assessment.</p> <p>14 Q Okay. So you didn't review any</p> <p>15 caregiver training materials?</p> <p>16 A No.</p> <p>17 Q And you didn't speak with anyone who</p> <p>18 provides caregiver training?</p> <p>19 A No.</p> <p>20 Q So you don't have an opinion on how</p> <p>21 West Virginia is doing with respect to pre-services</p> <p>22 for caregiver training?</p>	<p style="text-align: right;">Page 128</p> <p>1 training to really be able to evaluate that.</p> <p>2 BY MS. SIEGENBERG:</p> <p>3 Q Okay. But just kind of broadly, do</p> <p>4 you think it's a positive step?</p> <p>5 MS. UNGER: Objection.</p> <p>6 THE WITNESS: Again, I don't know</p> <p>7 that I could answer that because I think it depends</p> <p>8 on the quality of that university they're working</p> <p>9 with.</p> <p>10 BY MS. SIEGENBERG:</p> <p>11 Q Okay. Moving on to the next bullet</p> <p>12 point, which says, "Availability of funding to</p> <p>13 support families before and after placement." So</p> <p>14 what is availability of funding before placement</p> <p>15 look like for kinship caregivers?</p> <p>16 A So this is in terms of certification,</p> <p>17 families that are going through the certification</p> <p>18 process, so the availability of funding to support</p> <p>19 that emergency placement. So often in systems,</p> <p>20 there isn't an availability to start that Title 4E,</p> <p>21 foster care funding, for that child until the</p> <p>22 certification is approved.</p>
<p style="text-align: right;">Page 127</p> <p>1 A No. I -- I just recall in the</p> <p>2 kinship assessment that 2nd Chance did in the two</p> <p>3 reports, they identified some areas that I don't</p> <p>4 not exactly spoke to pre-service training, but just</p> <p>5 kind of an overall consensus was not favorable in</p> <p>6 terms of the practices and policies that the</p> <p>7 department was adhering to in terms of supporting</p> <p>8 kinship caregivers.</p> <p>9 Q But you don't have an opinion about</p> <p>10 that?</p> <p>11 A No.</p> <p>12 Q Okay. Did you know that DHHR has</p> <p>13 engaged university members of the local social work</p> <p>14 education consortium to develop kinship-specific</p> <p>15 foster parent training?</p> <p>16 A No, I did not know that.</p> <p>17 Q Do you think that's a good thing that</p> <p>18 they're doing?</p> <p>19 MS. UNGER: Objection.</p> <p>20 THE WITNESS: I don't know if I can</p> <p>21 comment on that. I -- anytime there is -- I don't</p> <p>22 know -- I would have to see the university's</p>	<p style="text-align: right;">Page 129</p> <p>1 So this before funding is the funding</p> <p>2 that would help to support the family even though</p> <p>3 the child is already placed in the home. This is</p> <p>4 very different from a non-related foster care</p> <p>5 environment where they have all this prep</p> <p>6 beforehand, usually 9 to 12 months, then take in</p> <p>7 the child for placement.</p> <p>8 So you can imagine a family who, you</p> <p>9 know, an aunt or a grandmother who's taking in a</p> <p>10 child or relative into their home and have -- to go</p> <p>11 through training for certification, and then all of</p> <p>12 these myriad of need of licensing requirements,</p> <p>13 including addressing the needs of the child in the</p> <p>14 home. So that's the before funding, before</p> <p>15 certification, and other funding streams can be</p> <p>16 accessed.</p> <p>17 Q So you are talking about availability</p> <p>18 of funding to support families before and after</p> <p>19 certification. That's what this bullet point is</p> <p>20 really talking about?</p> <p>21 A Yes.</p> <p>22 Q Okay. So what is availability of</p>

<p style="text-align: right;">Page 134</p> <p>1 know that I can really answer that.</p> <p>2 BY MS. SIEGENBERG:</p> <p>3 Q How come?</p> <p>4 A I feel like you're asking me to</p> <p>5 speculate, and I don't know that I can on that. It</p> <p>6 depends, I guess, on the amounts of supports and</p> <p>7 services that are provided. I mean, it's not just</p> <p>8 funding, it's part of it. It's access to mental</p> <p>9 health, it's access to health care, it's access to</p> <p>10 support groups. It's just access to a system</p> <p>11 that -- that helps to wrap services around families</p> <p>12 that -- kinship families that are often</p> <p>13 impoverished and not in a very good state, you</p> <p>14 know, to provide and care for children and youths</p> <p>15 that come from traumatic environments and</p> <p>16 backgrounds.</p> <p>17 Q So in March of this year, 2020, the</p> <p>18 state legislature passed a bill that provides DHHR</p> <p>19 with extra funding, specifically targeted at</p> <p>20 increasing payments to uncertified kinship parents.</p> <p>21 Is that a positive step in your opinion?</p> <p>22 MS. UNGER: Objection.</p>	<p style="text-align: right;">Page 136</p> <p>1 A One of the big stretches of a kinship</p> <p>2 navigation program, across the country, if you look</p> <p>3 at sort of the model, there's some aspects of that</p> <p>4 model that include information referral to link</p> <p>5 families to their community supports, that could be</p> <p>6 a family resource center, it could be a church.</p> <p>7 It's to raise awareness and to connect the dots for</p> <p>8 families on vital services and supports.</p> <p>9 Q And could having a kinship navigator</p> <p>10 program in place be one way that a child welfare</p> <p>11 agency could facilitate that?</p> <p>12 A Yes.</p> <p>13 Q Okay. So moving to the last bullet</p> <p>14 point, "Provision of other supports: Emergency</p> <p>15 funding, support groups, childcare, et cetera." So</p> <p>16 what do you mean by emergency funding?</p> <p>17 A Emergency funding for families, you</p> <p>18 know, often I would see families who would need</p> <p>19 their electricity bill paid for because there is an</p> <p>20 increase number of kids in their home and it's</p> <p>21 just -- so that's an example. Food, you know, kids</p> <p>22 arrive, you know, you don't have the extra income</p>
<p style="text-align: right;">Page 135</p> <p>1 THE WITNESS: I don't know that I</p> <p>2 could answer that.</p> <p>3 BY MS. SIEGENBERG:</p> <p>4 Q How come?</p> <p>5 A I think you're asking me to speculate</p> <p>6 again on whether this infusion of funding is going</p> <p>7 to lead to improvements in the system. I think</p> <p>8 there are a lot of different factors that need to</p> <p>9 be in place.</p> <p>10 Q Leaving aside those factors, is it a</p> <p>11 good thing or not a good thing?</p> <p>12 MS. UNGER: Objection.</p> <p>13 THE WITNESS: Again, I don't know</p> <p>14 that I could answer that.</p> <p>15 BY MS. SIEGENBERG:</p> <p>16 Q Okay. Going to the next bullet</p> <p>17 point, "Access to a kinship navigation program and</p> <p>18 other community networks." Is having a kinship</p> <p>19 navigator program a good thing?</p> <p>20 A Yes.</p> <p>21 Q And what do you mean here by "other</p> <p>22 community networks"?</p>	<p style="text-align: right;">Page 137</p> <p>1 to provide food, clothing, so it's -- it just makes</p> <p>2 it very hard and very difficult for families to</p> <p>3 really truly, you know, support those needs that</p> <p>4 kids have coming in just on their basic physical</p> <p>5 needs.</p> <p>6 Q Did you evaluate whether or not</p> <p>7 emergency funding is available to kinship</p> <p>8 caregivers in West Virginia?</p> <p>9 A I looked for it, and I don't know</p> <p>10 that I could answer that question.</p> <p>11 Q How come?</p> <p>12 A I don't know that I had enough</p> <p>13 information to glean that. I did numerous searches</p> <p>14 on the programming and the fact that their kinship</p> <p>15 navigation program just kind of recently launched.</p> <p>16 So it seems fairly new. And, again, I don't know</p> <p>17 that I had any access to any information that would</p> <p>18 help me answer that question that was provided to</p> <p>19 me in the documents.</p> <p>20 Q So when you said you did numerous</p> <p>21 searches, what do you mean by that?</p> <p>22 A In my research on my own, not the</p>

<p style="text-align: right;">Page 138</p> <p>1 documents that provided to me by ABC.</p> <p>2 Q Okay.</p> <p>3 A Just in terms of, you know, kinship</p> <p>4 navigation, what's out there.</p> <p>5 Q So for emergency funding?</p> <p>6 A And for emergency funding.</p> <p>7 So what kinds of supports and</p> <p>8 services via the Mission, West Virginia, I believe</p> <p>9 it's called, has taken on the kinship navigation</p> <p>10 programming there. And how easily accessible is</p> <p>11 that information to families, kinship families.</p> <p>12 Q What about emergency funding that's</p> <p>13 available -- that's offered directly by DHHR?</p> <p>14 A I don't -- I can't answer that</p> <p>15 because I don't know that I had information</p> <p>16 available to me --</p> <p>17 Q Okay.</p> <p>18 A -- to be able to do that.</p> <p>19 Q And what about childcare?</p> <p>20 A Can you ask what you're asking?</p> <p>21 Q Sure.</p> <p>22 So this bullet says, "Provision of</p>	<p style="text-align: right;">Page 140</p> <p>1 their income to adjust for the child in their home.</p> <p>2 Having partnerships with other childcare</p> <p>3 organizations. You know, the list for children in</p> <p>4 the child welfare system who might qualify for</p> <p>5 subsidized childcare is very limiting. And so I</p> <p>6 think we need to do a better job as a system in</p> <p>7 helping those families identify those options.</p> <p>8 Q And did you evaluate whether or not</p> <p>9 those kind of support, childcare, is available to</p> <p>10 kinship caregivers in West Virginia?</p> <p>11 A I want to say I -- I tried to see</p> <p>12 what was available to me, but I was limited to what</p> <p>13 was available to me.</p> <p>14 Q Okay. And then you -- going back to</p> <p>15 the bullet point it says, "Provision of other</p> <p>16 supports." And you list three, "Emergency funding,</p> <p>17 support groups, and childcare." Could you give me</p> <p>18 some other examples of other kinds of supports that</p> <p>19 you would look for in assessing this area?</p> <p>20 A Just the tangible supports that are</p> <p>21 needed, especially on the emergency basis. If you</p> <p>22 think about in the middle of the night you have a</p>
<p style="text-align: right;">Page 139</p> <p>1 other supports." Emergency funding is one example</p> <p>2 that you list and then another example is</p> <p>3 childcare. So, I guess, what do you mean by</p> <p>4 childcare?</p> <p>5 A So if we're placing with a kinship</p> <p>6 relative and they happen to be working -- and I saw</p> <p>7 this in a lot of cases -- you don't have the child</p> <p>8 in school yet, so you're trying to basically set up</p> <p>9 this child for success, and needing to take time</p> <p>10 off from work, and so the availability of childcare</p> <p>11 is very much a priority in many, many cases. These</p> <p>12 are working parents and they're trying to like do</p> <p>13 the best they can. And, oftentimes, childcare is a</p> <p>14 barrier to kinship families being able to</p> <p>15 successfully be a resource for, you know, the</p> <p>16 relative that's placed with them, emergence, you</p> <p>17 know, in an emergent situation.</p> <p>18 Q So what are some of the ways in which</p> <p>19 a child welfare agency can help address that need?</p> <p>20 A Just funding available for them, even</p> <p>21 while, you know, in the first several months of</p> <p>22 that, while the family sort of adjusts, you know,</p>	<p style="text-align: right;">Page 141</p> <p>1 toddler and a newborn come into your home, and how</p> <p>2 do you even get them some basic food. So like the</p> <p>3 availability of just an emergency response is</p> <p>4 really a requirement.</p> <p>5 And that doesn't always happen</p> <p>6 effectively in systems. We've set up through our</p> <p>7 kinship programs an emergency response, that I</p> <p>8 think has been very helpful to families, where we</p> <p>9 can actually go to the store, grab the car seats,</p> <p>10 you know, and provide the family with some basic</p> <p>11 items that would help them in the initial stages of</p> <p>12 the placement.</p> <p>13 Q Is it your understanding that DHHR's</p> <p>14 written policies account for these kind of</p> <p>15 emergency supports that are needed by kinship</p> <p>16 caregivers?</p> <p>17 MS. UNGER: Objection.</p> <p>18 THE WITNESS: I don't recall seeing</p> <p>19 anything in the materials that I reviewed specific</p> <p>20 to that.</p> <p>21 BY MS. SIEGENBERG:</p> <p>22 Q Okay. So, in your opinion, does DHHR</p>

<p style="text-align: right;">Page 170</p> <p>1 although, the total number of children in state 2 custody was like 46 percent up from 2014. That 3 seems like a very large number. 4 So yes, it appears that it is 5 trending in the direction of having more certified 6 families, kinship families, but I guess I question 7 how that is so given that they -- it appears that 8 there were more than 800 fewer kids being served in 9 foster care placements in 2014. 10 Q Why does that make you question that 11 it's trending upwards for placement with certified 12 kinship relatives? 13 A I am questioning, I guess, the data, 14 and my knowledge of how systems can take kinship 15 families and they're not in the certified or 16 uncertified, they're, what I would term, informal. 17 So the case is closed by the child welfare system. 18 Q Okay. And so what about that leads 19 you to question that there is an increasing trend 20 of placing children with certified kinship 21 relatives? 22 A I don't know that I had enough</p>	<p style="text-align: right;">Page 172</p> <p>1 number of certified placements in 2017 to the 2 number of certified placements in 2019, that shows 3 an increasing trend of children placed in certified 4 kinship care? 5 A Yes, it appears so. 6 Sorry, I'm trying to recollect my 7 memory on this. 8 Q That's fine. 9 A And I think this has to do with my 10 orientation of the California system in regards to 11 families who don't go through the certification 12 process doesn't mean that the case stays open in 13 child welfare. They can close that case out. 14 Q Okay. So how does that relate to the 15 concern that this statement in the 2017, about 800 16 less kids being served compared to 2017 -- or, 17 excuse me, between 2017 and 2016? 18 A I needed more information on that. I 19 wasn't given access to information that I think 20 needed to confirm that. 21 Q To confirm what? 22 A Sorry. I'm sorry, what are you</p>
<p style="text-align: right;">Page 171</p> <p>1 information to glean that for that statement in the 2 2017 report I refer to that noted that 800 fewer 3 kids were being served in foster care placements. 4 Q In 2017 as compared to 2014. Is that 5 the statement here? 6 A Yes. 7 Q Okay. And so what about that 8 statement makes you question the data? 9 A I'm trying to recall actually. It's 10 the note the West Virginia System of Care director, 11 which notes more than 800 fewer kids are being 12 served in foster care placements in October of 13 2017. Although the total number of children in 14 state custody was up 46 percent from 2014. It's 15 still a sizable percentage that are going the 16 non-certified route. 17 Q In 2017 and 2019, it's your opinion 18 that there's a sizeable percentage that are -- 19 A That are non-certified. 20 Q That are non-certified. 21 But going back to my initial 22 question, would you agree that if we compared the</p>	<p style="text-align: right;">Page 173</p> <p>1 asking? 2 Q So you said that you were concerned 3 about the statement, which is on page 3 of Exhibit 4 No. 2, that over 800 less kids were being served in 5 foster care placements in October of 2017 than were 6 in October of 2016. Is that right? 7 A So as I'm reviewing this paragraph, 8 this is really my statement about diverting 9 children to uncertified foster care, which is not 10 giving them similar services as of the certified 11 families receive. 12 Q Okay. I understand that, but I'm 13 trying to kind of walk through this paragraph and 14 each of these kind of statements that you made in 15 this paragraph to better understand your 16 conclusion. 17 And so I think we established, and 18 correct me if I'm wrong, that we can agree that 19 looking at the number of children placed in 20 certified care in 2017 compared to the number of 21 children placed in certified care in 2019, there 22 does appear to be an increasing trend of placement</p>

<p style="text-align: right;">Page 174</p> <p>1 in certified care. Is that right?</p> <p>2 A But not by much.</p> <p>3 Q Okay. But we agree that there is an</p> <p>4 increase?</p> <p>5 A A slight one, yes.</p> <p>6 Q Okay. So going back to your</p> <p>7 report -- sorry, before we go back to your report,</p> <p>8 so even though in your opinion it is a slight</p> <p>9 increase, you would agree that an increase in the</p> <p>10 number of children who are placed -- or an increase</p> <p>11 in the percentage of the number of children who are</p> <p>12 placed in certified care is a positive sign?</p> <p>13 MS. UNGER: Objection.</p> <p>14 THE WITNESS: Yeah, I don't know if I</p> <p>15 have enough information to form an opinion on that,</p> <p>16 but I certainly had enough information that I</p> <p>17 reviewed -- in the documents that I reviewed that</p> <p>18 West Virginia had some serious improvements to make</p> <p>19 in their system in terms of supporting kinship</p> <p>20 families.</p> <p>21 BY MS. SIEGENBERG:</p> <p>22 Q Okay. But specifically speaking</p>	<p style="text-align: right;">Page 176</p> <p>1 being served in foster care placements in October</p> <p>2 of 2017 than were in October 2016."</p> <p>3 Do you see that statement in your</p> <p>4 report?</p> <p>5 A Yes.</p> <p>6 Q Okay. So when you say this trend of</p> <p>7 placing children in uncertified kinship care, what</p> <p>8 do you mean by trend?</p> <p>9 A I think I'm just meaning the practice</p> <p>10 of placing children in uncertified homes.</p> <p>11 Q Okay. And what do you mean by</p> <p>12 practice?</p> <p>13 A It kind of goes back to the services</p> <p>14 and supports that are necessary in homes, and my</p> <p>15 general opinion based on my professional experience</p> <p>16 that families who are going to go through the</p> <p>17 certification process have greater access to</p> <p>18 services and supports.</p> <p>19 Q Okay. When you have say that there's</p> <p>20 a trend, or you just clarified a practice, of</p> <p>21 placing children in uncertified kinship care, what</p> <p>22 do you mean by that?</p>
<p style="text-align: right;">Page 175</p> <p>1 about the number of the percentage of children who</p> <p>2 are placed in certified care, which is increasing,</p> <p>3 though, in your opinion it's not -- maybe not as a</p> <p>4 big of an increase as you would have liked to see,</p> <p>5 but increase nonetheless is a positive indicator.</p> <p>6 Is that correct?</p> <p>7 MS. UNGER: Objection.</p> <p>8 THE WITNESS: Again, I don't know</p> <p>9 that I have enough information to form an opinion</p> <p>10 on that.</p> <p>11 BY MS. SIEGENBERG:</p> <p>12 Q Okay. So I'm going back to the same</p> <p>13 paragraph on page 2. Right after noting that, "As</p> <p>14 of December 2019, 31 percent of children are in</p> <p>15 certified kinship homes and 21 percent of children</p> <p>16 are in uncertified kinship placements."</p> <p>17 In the next sentence you state, "This</p> <p>18 trend of placing children in uncertified kinship</p> <p>19 care is identified in the summary of findings of</p> <p>20 youth and foster care placement reporting prepared</p> <p>21 by the West Virginia System of Care Director, which</p> <p>22 notes that more than 800 hundred fewer kids were</p>	<p style="text-align: right;">Page 177</p> <p>1 A I don't know if I understand what</p> <p>2 you're trying to ask.</p> <p>3 Q So in your opinion, is there a trend</p> <p>4 or practice of placing children in uncertified</p> <p>5 kinship care in West Virginia?</p> <p>6 A There are almost an equal number of</p> <p>7 certified and uncertified kinship families in their</p> <p>8 system, so yes. I would say yes.</p> <p>9 Q So going back to the numbers that you</p> <p>10 gave for December 2019, there are -- as of</p> <p>11 December 2019, there was 31 percent of children in</p> <p>12 certified kinship homes and 21 percent in</p> <p>13 uncertified homes. Is that correct?</p> <p>14 A I'm sorry, can you please repeat what</p> <p>15 you just said?</p> <p>16 Q Sure.</p> <p>17 So based on the percentages for</p> <p>18 December 2019, that you give in your report, as of</p> <p>19 December 2019, there were 31 percent of children</p> <p>20 placed in certified kinship homes and 21 percent in</p> <p>21 uncertified. Is that right?</p> <p>22 A Yes.</p>

<p style="text-align: right;">Page 178</p> <p>1 Q So in total, that would be 52 percent</p> <p>2 of children in West Virginia are placed in some</p> <p>3 kind of kinship placement. Is that right?</p> <p>4 A Yes.</p> <p>5 Q Isn't it about -- of the 50 percent</p> <p>6 of children who are placed in some kind of kinship</p> <p>7 placement in December 2019, isn't -- aren't the</p> <p>8 majority of them placed in certified placements?</p> <p>9 MS. UNGER: Objection.</p> <p>10 THE WITNESS: It appears that is the</p> <p>11 case.</p> <p>12 BY MS. SIEGENBERG:</p> <p>13 Q So then can you explain why, in your</p> <p>14 opinion, there is a trend or a practice of placing</p> <p>15 children in uncertified kinship care when the</p> <p>16 majority of the children who are in some kind of</p> <p>17 kinship placement are in a certified kinship</p> <p>18 placement?</p> <p>19 MS. UNGER: Objection.</p> <p>20 THE WITNESS: I think -- again, this</p> <p>21 is about my perspective and experience working</p> <p>22 within the California system, and uncertified --</p>	<p style="text-align: right;">Page 180</p> <p>1 experience with in California?</p> <p>2 MS. UNGER: Objection. Vague.</p> <p>3 THE WITNESS: I would say yes.</p> <p>4 BY MS. SIEGENBERG:</p> <p>5 Q So if I told you that all children</p> <p>6 who are placed in uncertified placements are</p> <p>7 formally within the custody of DHHR, would that</p> <p>8 help your understanding of what uncertified kinship</p> <p>9 means in West Virginia?</p> <p>10 MS. UNGER: Objection.</p> <p>11 THE WITNESS: I don't know that I</p> <p>12 would have enough information to answer that.</p> <p>13 BY MS. SIEGENBERG:</p> <p>14 Q Okay. I'm going to introduce another</p> <p>15 document. We've been speaking about it already,</p> <p>16 but it is the December -- it's the document that</p> <p>17 you relied on for the December 2019 placement</p> <p>18 rates. If you refresh your Exhibit Share window,</p> <p>19 you should be able to see it. It's Exhibit 3.</p> <p>20 A Yes, I see it.</p> <p>21 (Johnson Deposition Exhibit Number 3</p> <p>22 marked for identification.)</p>
<p style="text-align: right;">Page 179</p> <p>1 the word uncertified, you know, what does that</p> <p>2 truly mean, because there are definitely relatives</p> <p>3 under the radar of child welfare that basically opt</p> <p>4 out of the system entirely.</p> <p>5 BY MS. SIEGENBERG:</p> <p>6 Q Okay. And would those be -- would</p> <p>7 those be the informal kinship caregivers that you</p> <p>8 described to us earlier?</p> <p>9 A Yes.</p> <p>10 Q Okay. But --</p> <p>11 A So -- sorry.</p> <p>12 Q Go ahead.</p> <p>13 A It gives me pause when I see this</p> <p>14 certified and uncertified, and uncertified in West</p> <p>15 Virginia. Like, I don't know that I had enough</p> <p>16 information to kind of form an opinion about that</p> <p>17 to really differentiate what they really mean by</p> <p>18 uncertified.</p> <p>19 Q So would you say that your concern</p> <p>20 comes from not being able to verify that</p> <p>21 uncertified kinship caregivers are different and</p> <p>22 distinct from the informal caregivers that you have</p>	<p style="text-align: right;">Page 181</p> <p>1 BY MS. SIEGENBERG:</p> <p>2 Q Okay. So is this the document that</p> <p>3 you relied on for the number of 21 percent of</p> <p>4 children being placed in uncertified placements?</p> <p>5 A Yes.</p> <p>6 Q Okay. And that's based on the</p> <p>7 numbers that are reported in this document for the</p> <p>8 uncertified kinship placement type. Is that right?</p> <p>9 MS. UNGER: Objection.</p> <p>10 THE WITNESS: That's what I'm</p> <p>11 assuming that is.</p> <p>12 BY MS. SIEGENBERG:</p> <p>13 Q Okay. Is it your understanding that</p> <p>14 all of these uncertified placements are permanently</p> <p>15 uncertified, that they will remain uncertified?</p> <p>16 A I don't know that I could answer</p> <p>17 that. I don't know.</p> <p>18 Q Do you know how many of these</p> <p>19 uncertified placements are in the process of going</p> <p>20 through certification?</p> <p>21 A I don't know.</p> <p>22 Q Is it your understanding, generally,</p>

<p style="text-align: right;">Page 182</p> <p>1 that it takes some amount of time to become</p> <p>2 certified, it's not just an immediate or a</p> <p>3 few-day-long process, right?</p> <p>4 MS. UNGER: Objection.</p> <p>5 THE WITNESS: I don't know how long</p> <p>6 that process takes in West Virginia.</p> <p>7 BY MS. SIEGENBERG:</p> <p>8 Q How long does the process take in</p> <p>9 California?</p> <p>10 A We are required to have a 90-day</p> <p>11 turnaround from -- at the point of referral. And</p> <p>12 in our agency's case, we're dealing within 45-</p> <p>13 to-60 day.</p> <p>14 Q Okay. But even if -- even if it --</p> <p>15 even if certification could happen in three days,</p> <p>16 magically, it would still take some amount of time</p> <p>17 to become certified. Is that right?</p> <p>18 MS. UNGER: Objection.</p> <p>19 BY MS. SIEGENBERG:</p> <p>20 Q Some period of time where the</p> <p>21 caregiver is going through the certification</p> <p>22 process?</p>	<p style="text-align: right;">Page 184</p> <p>1 type of information, so I couldn't answer you.</p> <p>2 Q What type of information?</p> <p>3 A It would be information that</p> <p>4 particular had on that report -- had on the</p> <p>5 timeline on that process and what that involved.</p> <p>6 Q Okay. So like how long it takes in</p> <p>7 West Virginia for a caregiver to become certified.</p> <p>8 Is that the kind of information that you're</p> <p>9 thinking of?</p> <p>10 A Yes.</p> <p>11 Q Okay. And isn't that an important</p> <p>12 piece of information in forming an opinion?</p> <p>13 MS. UNGER: Objection.</p> <p>14 THE WITNESS: I don't know that I</p> <p>15 have enough information to form -- I did form an</p> <p>16 opinion, and I had enough information to come to a</p> <p>17 conclusion that is provided in my expert witness</p> <p>18 report that confirmed, I think, the serious, like,</p> <p>19 improvements that needed to be made in terms of the</p> <p>20 provision of services to kinship families in West</p> <p>21 Virginia.</p> <p>22</p>
<p style="text-align: right;">Page 183</p> <p>1 A I don't know that I can answer that.</p> <p>2 It's kind of a point of reference.</p> <p>3 Q Okay. Is it your understanding in</p> <p>4 West Virginia, that during the time the caregiver</p> <p>5 is going through the process of becoming certified,</p> <p>6 that caregiver is an kinship placement?</p> <p>7 A I'm sorry, can you please repeat that</p> <p>8 again?</p> <p>9 Q Sure.</p> <p>10 Is it your understanding that in West</p> <p>11 Virginia, while the caregiver is going through the</p> <p>12 process of becoming certified, that caregiver is an</p> <p>13 uncertified kinship placement?</p> <p>14 MS. LOWRY: Objection. Confusing.</p> <p>15 THE WITNESS: I don't know. I</p> <p>16 actually don't know how to answer that question. I</p> <p>17 don't know that I have enough information to answer</p> <p>18 that question.</p> <p>19 BY MS. SIEGENBERG:</p> <p>20 Q What information would be helpful to</p> <p>21 have in answering that question?</p> <p>22 A Well, I wasn't given access to that</p>	<p style="text-align: right;">Page 185</p> <p>1 BY MS. SIEGENBERG:</p> <p>2 Q But that opinion is based, in part,</p> <p>3 on this document that we're reviewing, which is</p> <p>4 where you got the 21 percent of uncertified -- of</p> <p>5 children being placed in uncertified placements.</p> <p>6 I'm asking, do you think it would be</p> <p>7 important to know how long it takes for a caregiver</p> <p>8 to become certified and whether or not during that</p> <p>9 time they are in an uncertified kinship placement</p> <p>10 and being able to draw a conclusion or form an</p> <p>11 opinion based on the number at 21 percent of</p> <p>12 children are placed in uncertified kinship</p> <p>13 placements?</p> <p>14 MS. UNGER: Objection. Vague.</p> <p>15 Confusing.</p> <p>16 THE WITNESS: I was only given access</p> <p>17 to the information I had, so I don't know if I can</p> <p>18 answer that question.</p> <p>19 BY MS. SIEGENBERG:</p> <p>20 Q But you feel that even though you</p> <p>21 didn't have access to that information, you were</p> <p>22 still able to form an opinion and come to a</p>

<p style="text-align: right;">Page 186</p> <p>1 conclusion based on this document that we're</p> <p>2 looking at on the number of children being placed</p> <p>3 in uncertified placements?</p> <p>4 MS. LOWRY: Objection. Misstates the</p> <p>5 witness' testimony.</p> <p>6 THE WITNESS: Can you clarify what</p> <p>7 you're asking, please?</p> <p>8 BY MS. SIEGENBERG:</p> <p>9 Q Why do you feel that you had enough</p> <p>10 information available to you to form an opinion</p> <p>11 based on the document that we're looking at, which</p> <p>12 states that 21 percent of children are placed in</p> <p>13 uncertified kinship placements if you are not sure</p> <p>14 how uncertified kinship placement is defined and</p> <p>15 whether or not it includes caregivers who are in</p> <p>16 the process of becoming certified?</p> <p>17 MS. UNGER: Objection.</p> <p>18 THE WITNESS: Yeah, I don't know how</p> <p>19 to answer that question.</p> <p>20 BY MS. SIEGENBERG:</p> <p>21 Q I'm just trying to determine the</p> <p>22 basis for the opinion that you've stated.</p>	<p style="text-align: right;">Page 188</p> <p>1 Q I guess, I'm just asking, in your</p> <p>2 opinion, if you had a document or a piece of</p> <p>3 evidence that indicated that 90 percent of these</p> <p>4 uncertified kinship placements are in the process</p> <p>5 of becoming certified and do not intend to remain</p> <p>6 certified, and you factored that into your review,</p> <p>7 would it change your opinion?</p> <p>8 MS. UNGER: Objection. Hypothetical.</p> <p>9 THE WITNESS: I couldn't answer that.</p> <p>10 You're asking me to speculate on something. I</p> <p>11 couldn't answer that.</p> <p>12 BY MS. SIEGENBERG:</p> <p>13 Q Why can't you answer that?</p> <p>14 MS. UNGER: Asked and answered.</p> <p>15 THE WITNESS: I don't have a crystal</p> <p>16 ball. I couldn't -- I couldn't -- I don't know. I</p> <p>17 couldn't answer that in an intelligent way.</p> <p>18 BY MS. SIEGENBERG:</p> <p>19 Q I guess I'm just trying to figure</p> <p>20 out, it seems that you were willing to speculate</p> <p>21 and draw a conclusion based on the 21 percent</p> <p>22 that's represented in the chart despite not having</p>
<p style="text-align: right;">Page 187</p> <p>1 A Again, I mean, I was only given the</p> <p>2 information that I had to review, so I'm unsure, I</p> <p>3 think, of what you're asking.</p> <p>4 Q So if we were to say that 90 percent</p> <p>5 of these uncertified kinship placements in this</p> <p>6 document that we're looking at are in the process</p> <p>7 of becoming certified and did not intend to remain</p> <p>8 uncertified, would that change your opinion?</p> <p>9 MS. UNGER: Objection. Calls for</p> <p>10 speculation.</p> <p>11 THE WITNESS: I don't know that I</p> <p>12 could answer that.</p> <p>13 BY MS. SIEGENBERG:</p> <p>14 Q How come?</p> <p>15 A Again, I think I'll just refer back</p> <p>16 to my report and the documents that I did review,</p> <p>17 and that I had to form an opinion based on what was</p> <p>18 available to me at the time and also bringing in</p> <p>19 the decades of work that I've done in kinship care</p> <p>20 on the types of services necessary for both</p> <p>21 certified and non-certified kinship. They're all</p> <p>22 kind of the same families.</p>	<p style="text-align: right;">Page 189</p> <p>1 more information about whether or not any of these</p> <p>2 caregivers were in the process of becoming</p> <p>3 certified, how many of them were in the process of</p> <p>4 becoming certified, whether or not caregivers who</p> <p>5 are in the process of becoming certified are</p> <p>6 reflected in that number. And you came to a</p> <p>7 conclusion even though you didn't have that</p> <p>8 information.</p> <p>9 So now I'm posing the question asking</p> <p>10 you -- I am asking you to speculate and to come --</p> <p>11 have an opinion about if I were to tell you that 90</p> <p>12 percent of these uncertified kinship placements</p> <p>13 were in the process of becoming certified and do</p> <p>14 not intend to remain certified, what would your</p> <p>15 opinion be then?</p> <p>16 MS. UNGER: Objection. Calls for</p> <p>17 speculation.</p> <p>18 THE WITNESS: Again, I don't know how</p> <p>19 I could intelligently answer that question.</p> <p>20 BY MS. SIEGENBERG:</p> <p>21 Q How come?</p> <p>22 A I didn't have access to information</p>

<p style="text-align: right;">Page 190</p> <p>1 in which to glean an opinion.</p> <p>2 Q But you were able to form an opinion</p> <p>3 based on this document without that information</p> <p>4 when you wrote this report. Are you saying that</p> <p>5 that was not an intelligent or informed opinion?</p> <p>6 MS. UNGER: Objection. Misstates the</p> <p>7 witness' testimony.</p> <p>8 THE WITNESS: I'm trying to</p> <p>9 understand what you're asking me right now. So I</p> <p>10 don't know if you want to repose what you said.</p> <p>11 BY MS. SIEGENBERG:</p> <p>12 Q I think let's move on.</p> <p>13 So going back to your report, the</p> <p>14 next sentence after the one that we were talking</p> <p>15 about dealing with a while ago, states that,</p> <p>16 "There's a growing concern that this practice of</p> <p>17 diverting children to uncertified foster homes</p> <p>18 denies them similar services, especially financial</p> <p>19 supports and exposes them to potential safety risks</p> <p>20 than those in certified foster families."</p> <p>21 Do you see that statement?</p> <p>22 A Yes.</p>	<p style="text-align: right;">Page 192</p> <p>1 Does that sound right?</p> <p>2 A Yes. That they might actually</p> <p>3 consider going through a certification process.</p> <p>4 And I think also tandem to that is, you know, a</p> <p>5 worker who's trained in engaging the family in that</p> <p>6 capacity to really have an understanding of what</p> <p>7 kinds of supports they're going to receive to even</p> <p>8 get through that certification process.</p> <p>9 Q Okay. And is it your opinion that</p> <p>10 this practice of diverting children to uncertified</p> <p>11 foster homes is happening in West Virginia?</p> <p>12 MS. UNGER: Objection.</p> <p>13 THE WITNESS: I don't know -- I don't</p> <p>14 know that I have enough information to form an</p> <p>15 opinion on that.</p> <p>16 BY MS. SIEGENBERG:</p> <p>17 Q Okay. So this growing concern that</p> <p>18 you reference, that's just, generally speaking,</p> <p>19 about foster care in general, it's not specific to</p> <p>20 West Virginia?</p> <p>21 MS. UNGER: Objection.</p> <p>22 THE WITNESS: Yeah, I don't know. I</p>
<p style="text-align: right;">Page 191</p> <p>1 Q Okay. What do you mean by diverting</p> <p>2 children to uncertified foster homes?</p> <p>3 A I provided testimony earlier on the</p> <p>4 options available to kinship families right at</p> <p>5 placement that really informed them of the routes,</p> <p>6 you know, the types of services and supports given</p> <p>7 the different, I guess, channels and options.</p> <p>8 So for certification and</p> <p>9 non-certification, and then in many cases -- many,</p> <p>10 many cases, families are not informed, they attest</p> <p>11 to that, that had they known that they could go</p> <p>12 through certification, had they had a system that</p> <p>13 was pro-kin in its approach, that they would have</p> <p>14 better services for their kids that they are trying</p> <p>15 to support in their home.</p> <p>16 Q Okay. That's helpful.</p> <p>17 So if I'm understanding you</p> <p>18 correctly, when you speak of diverting children,</p> <p>19 you mean that if the caregiver was provided more</p> <p>20 understanding -- provided more information about</p> <p>21 certification, the process, the benefits of</p> <p>22 certification, then they would not be uncertified.</p>	<p style="text-align: right;">Page 193</p> <p>1 don't know that I would answer that.</p> <p>2 BY MS. SIEGENBERG:</p> <p>3 Q Because you didn't have the documents</p> <p>4 available to you or because you haven't drawn a</p> <p>5 conclusion about it with respect to West Virginia?</p> <p>6 A I think I've drawn some conclusion to</p> <p>7 that based on my own professional expertise in this</p> <p>8 area, but I -- California is kind of my</p> <p>9 perspective, in what we do here, and I don't know</p> <p>10 that I had enough information regarding West</p> <p>11 Virginia specifically that I could form an opinion.</p> <p>12 Q Okay. So what -- what is the basis</p> <p>13 for your conclusion that the placement of children</p> <p>14 in uncertified kinship homes exposes them to</p> <p>15 potential safety risks compared to placement in a</p> <p>16 certified kinship home?</p> <p>17 A I think it's based on not only</p> <p>18 caregiver feedback, but, you know, I have documents</p> <p>19 that I referred to in regards to specifically in</p> <p>20 West Virginia, but I think it is global, of the</p> <p>21 lack of services and supports for uncertified</p> <p>22 families as compared to certified families.</p>

<p style="text-align: right;">Page 194</p> <p>1 Q Okay. So, in your opinion, is the</p> <p>2 placement of children in uncertified kinship homes</p> <p>3 exposing them to potential safety risks as compared</p> <p>4 to a placement in a certified kinship home in West</p> <p>5 Virginia?</p> <p>6 A Yes.</p> <p>7 Q Okay. What specifically is that</p> <p>8 opinion based on?</p> <p>9 A You know, as I studied the CFSRs and</p> <p>10 all of the different documents that I've had access</p> <p>11 to, if certified kinship families are saying, "Yes,</p> <p>12 I didn't see my caseworker," and making allegations</p> <p>13 that they did not have services and supports, and</p> <p>14 the fact that, you know, all three years that I</p> <p>15 looked at for the CFSRs, the outcomes were very</p> <p>16 poor in West Virginia, then I could make some of</p> <p>17 the same inferences with this population of</p> <p>18 kinship.</p> <p>19 Q So is it your conclusion about how</p> <p>20 uncertified kinship -- how children in uncertified</p> <p>21 kinship placements, is that based on information</p> <p>22 and data that you have about how children --</p>	<p style="text-align: right;">Page 196</p> <p>1 BY MS. SIEGENBERG:</p> <p>2 Q And why, in your opinion, do you feel</p> <p>3 like it's reasonable to be able to draw that</p> <p>4 conclusion from data and information that is</p> <p>5 reported on outcomes for all children in the West</p> <p>6 Virginia foster care system, not just children</p> <p>7 specifically in kinship placements or in</p> <p>8 uncertified kinship placements?</p> <p>9 A I would say because my opinion was</p> <p>10 based on a thorough review of documents, such as a</p> <p>11 kinship care strengths assessment that was</p> <p>12 conducted in 2019, a caregiver served a -- that had</p> <p>13 created a response rate where kinship caregivers</p> <p>14 were reporting what some of the deficits were in</p> <p>15 the kinds of supports and services that they</p> <p>16 received.</p> <p>17 Q Okay. So was there any information</p> <p>18 reported in that survey about the outcomes of</p> <p>19 children who are in certified or uncertified</p> <p>20 kinship placements?</p> <p>21 A No. And I would say from my</p> <p>22 experience in systems I have worked in, it is</p>
<p style="text-align: right;">Page 195</p> <p>1 information and data that you have about the</p> <p>2 outcomes for children who are placed in certified</p> <p>3 or traditional foster homes?</p> <p>4 A I don't know that I had enough</p> <p>5 information provided, but I certainly had, you</p> <p>6 know, enough to form an opinion. Perhaps it's</p> <p>7 globally when you're looking at kinship care across</p> <p>8 the country.</p> <p>9 Q Okay. But I just asked you if you</p> <p>10 had drawn that conclusion specifically with respect</p> <p>11 to West Virginia, and you said yes. And then you</p> <p>12 said that you drew a number of inferences based on</p> <p>13 the performance of West Virginia in outcomes for</p> <p>14 children who are placed in certified and</p> <p>15 traditional homes. Is that right?</p> <p>16 A Yes.</p> <p>17 Q Okay. Did you see any data or</p> <p>18 information specifically about how children are</p> <p>19 doing who are placed in uncertified kinship care?</p> <p>20 MS. UNGER: Objection.</p> <p>21 THE WITNESS: No. I wasn't given</p> <p>22 access to that type of information.</p>	<p style="text-align: right;">Page 197</p> <p>1 oftentimes difficult to tease that out. So I</p> <p>2 didn't have access to that information, no.</p> <p>3 Q Okay. Looking at the report, going</p> <p>4 to page of 8 of the report.</p> <p>5 A Sorry. Are you referring to a page</p> <p>6 number right now?</p> <p>7 Q Sorry. Page 8 of your report.</p> <p>8 A Okay. Thanks.</p> <p>9 Q So you say that, "Relative caregivers</p> <p>10 often are not given complete information about the</p> <p>11 process with which they are about to embark and the</p> <p>12 services available to them if they become</p> <p>13 certified."</p> <p>14 Do you see that?</p> <p>15 A Yes.</p> <p>16 Q Okay. Is that your opinion about</p> <p>17 kinship generally or was that your conclusion about</p> <p>18 West Virginia kinship programs specifically?</p> <p>19 A Generally.</p> <p>20 Q Okay. And then, I think, the next</p> <p>21 sentence you say, "In many cases families feel</p> <p>22 compelled to use the informal route out of fear</p>

<p style="text-align: right;">Page 198</p> <p>1 that the department will not place children with</p> <p>2 them if they decide to become certified."</p> <p>3 Do you see that statement?</p> <p>4 A Yes.</p> <p>5 Q Is that your opinion about kinship</p> <p>6 care generally or is that your conclusion about</p> <p>7 West Virginia's kinship program specifically?</p> <p>8 A It's a general statement.</p> <p>9 Q Okay. And then the next sentence you</p> <p>10 say, "This practice of diversion often greatly</p> <p>11 limits families' access to necessary services and</p> <p>12 supports, which is detrimental to children's</p> <p>13 stability and permanency."</p> <p>14 Do you see that statement?</p> <p>15 A Yes.</p> <p>16 Q Is that your opinion about kinship</p> <p>17 care generally or is that your conclusion about</p> <p>18 West Virginia's kinship program specifically?</p> <p>19 A It's general based on numerous</p> <p>20 studies and caregiver feedback via surveys and the</p> <p>21 references I provided in my report.</p> <p>22 Q Then at the end of page 8, and then</p>	<p style="text-align: right;">Page 200</p> <p>1 Do you see that statement?</p> <p>2 A Yes.</p> <p>3 Q What do you mean by a concern</p> <p>4 regarding whether or not these home studies and</p> <p>5 safety checks are being conducted?</p> <p>6 MS. UNGER: Sorry, you guys are on</p> <p>7 page 9, you said?</p> <p>8 MS. SIEGENBERG: Yes, we're on page</p> <p>9 9.</p> <p>10 THE WITNESS: I'm sorry, can you</p> <p>11 restate your question, please?</p> <p>12 BY MS. SIEGENBERG:</p> <p>13 Q Sure.</p> <p>14 I guess I'm just trying to understand</p> <p>15 what you meant by this statement.</p> <p>16 A If you look at the entire paragraph,</p> <p>17 I think it's -- because I did not have information</p> <p>18 to really assess that, I questioned whether home</p> <p>19 studies and safety checks were done on a consistent</p> <p>20 basis based on, you know, the independent agency</p> <p>21 that evaluated and provided feedback on practices</p> <p>22 and policies and noting inconsistencies in unit</p>
<p style="text-align: right;">Page 199</p> <p>1 going into the beginning of page 9, you state that</p> <p>2 you did not have access to records of a safety</p> <p>3 screen. Do you see where you say that?</p> <p>4 A Yes, I do.</p> <p>5 Q Did you ask to see a safety screen?</p> <p>6 A I might have asked to see a safety</p> <p>7 screen. I don't recall. I mean, the basis of my</p> <p>8 expert witness report really was on the documents</p> <p>9 that were provided to me and any that were added</p> <p>10 along the way. It was, you know, a conversation</p> <p>11 about, "Hey, we uploaded ten new documents for you</p> <p>12 review." And then I went in and reviewed.</p> <p>13 Q Okay. Would it have been helpful to</p> <p>14 your analysis if you had been able to see a copy of</p> <p>15 a safety screen?</p> <p>16 MS. UNGER: Objection.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MS. SIEGENBERG:</p> <p>19 Q Okay. You state on page 9, "There is</p> <p>20 a concern regarding whether DHHR is conducting</p> <p>21 these required home studies and safety checks on a</p> <p>22 consistent basis across the state."</p>	<p style="text-align: right;">Page 201</p> <p>1 workers' use of policies and practices, such as</p> <p>2 approving waivers. And then also the testimony</p> <p>3 provided by Ms. Boley-Rogers, that confirms there's</p> <p>4 really little to no systemic or systematic data</p> <p>5 reporting to track compliance on policy.</p> <p>6 BY MS. SIEGENBERG:</p> <p>7 Q Is it your understanding that in West</p> <p>8 Virginia, the home study or safety check itself can</p> <p>9 be waived?</p> <p>10 A I'm sorry, I didn't hear that. Say</p> <p>11 that again.</p> <p>12 Q Is it your understanding that in West</p> <p>13 Virginia, the kinship home study or safety</p> <p>14 assessment itself can be waived?</p> <p>15 A No. I'm not aware that a safety</p> <p>16 check could be waived. I'm not sure about the home</p> <p>17 study though.</p> <p>18 Q Okay. So I guess I'm trying to</p> <p>19 understand, you mentioned waivers when you were</p> <p>20 explaining the concern about these home studies and</p> <p>21 safety checks being performed on a consistent</p> <p>22 basis. I'm just trying to understand where that</p>

<p style="text-align: right;">Page 214</p> <p>1 BY MS. SIEGENBERG:</p> <p>2 Q But you were able to draw a</p> <p>3 conclusion that DHHR is not monitoring compliance</p> <p>4 with policy even though you did not have that</p> <p>5 information available to you?</p> <p>6 A Again, I could only base that on the</p> <p>7 information that was presented to me provided in</p> <p>8 this testimony as well as, I believe, the kinship</p> <p>9 care strengths assessment in March of 2019</p> <p>10 addressed that as well.</p> <p>11 Q Did you see have any evidence that</p> <p>12 DHHR is not tracking compliance at all?</p> <p>13 MS. UNGER: Objection.</p> <p>14 THE WITNESS: I don't think I can</p> <p>15 answer that question.</p> <p>16 BY MS. SIEGENBERG:</p> <p>17 Q How come?</p> <p>18 A I'm limited to the information that I</p> <p>19 was asked to review.</p> <p>20 Q So did you review any evidence that</p> <p>21 indicated that DHHR is not tracking compliance at</p> <p>22 all?</p>	<p style="text-align: right;">Page 216</p> <p>1 Do you think it is an effective way,</p> <p>2 even if it is not the most effective way?</p> <p>3 MS. UNGER: Objection. Ambiguous.</p> <p>4 THE WITNESS: I can't answer that.</p> <p>5 BY MS. SIEGENBERG:</p> <p>6 Q So besides for this deposition</p> <p>7 testimony that we just discussed, is there anything</p> <p>8 else that supports your conclusion that there's no</p> <p>9 systematic data reporting to track compliance?</p> <p>10 A I don't -- I don't recall. I don't</p> <p>11 think so. I have a note not in my expert witness</p> <p>12 report on the kinship strengths assessment, I'm</p> <p>13 just trying to find where that was noted.</p> <p>14 Sorry, I'm just looking at the report</p> <p>15 on the study of kinship care families,</p> <p>16 October 2019, and that there's a wide range of</p> <p>17 policy and practice on interpretation among and</p> <p>18 within the regions.</p> <p>19 Q And how does that support your</p> <p>20 conclusion that there is not effective systematic</p> <p>21 reporting or compliance with policy.</p> <p>22 A In my mind, I think it adds to the</p>
<p style="text-align: right;">Page 215</p> <p>1 A Well, I think I noted what was in</p> <p>2 Ms. Boley-Rogers' testimony.</p> <p>3 Q You noted that Ms. Boley-Rogers</p> <p>4 confirmed that there is little to no systematic</p> <p>5 data reporting to track compliance. And we just</p> <p>6 looked at the deposition testimony that you based</p> <p>7 your conclusion on, which described manual</p> <p>8 tracking. And I asked if manual tracking is an</p> <p>9 effective way of monitoring policy compliance, and</p> <p>10 you told me that it depends on information that you</p> <p>11 did not have available to you.</p> <p>12 Does that sound like an accurate</p> <p>13 summary?</p> <p>14 A I don't want to profess that I am an</p> <p>15 expert on tracking information and data, but if you</p> <p>16 look at outcomes reporting, there's got to be a</p> <p>17 systematic way that you're reporting this</p> <p>18 information that you'll able to cull results in a</p> <p>19 very quick way. I think manual reporting probably</p> <p>20 isn't the most effective way to do that.</p> <p>21 Q Why do you think it's not the most</p> <p>22 effective way -- or strike that.</p>	<p style="text-align: right;">Page 217</p> <p>1 argument that there -- it's already known that</p> <p>2 policies and practices are not being followed and</p> <p>3 adhered to and that there's no way of really</p> <p>4 assessing that through some kind of a tracking</p> <p>5 mechanism.</p> <p>6 Q So in your opinion, regional</p> <p>7 supervision of caseworkers and of casework is not</p> <p>8 an effective way of monitoring policy compliance?</p> <p>9 MS. UNGER: Objection.</p> <p>10 THE WITNESS: I guess I would say</p> <p>11 yes, that is my opinion.</p> <p>12 BY MS. SIEGENBERG:</p> <p>13 Q How come?</p> <p>14 Why is regional supervision not an</p> <p>15 effective way of monitoring policy compliance?</p> <p>16 A I'm sorry. I don't know if I</p> <p>17 understood regional supervision. What -- what does</p> <p>18 that mean?</p> <p>19 Q The local supervisor of the</p> <p>20 caseworkers supervising, reviewing, monitoring</p> <p>21 their casework. Is that an effective way of</p> <p>22 ensuring that policy is complied with?</p>

<p style="text-align: right;">Page 218</p> <p>1 A I work in a smaller system, and I</p> <p>2 would have to say that we have supervisors and</p> <p>3 directors in distinct regions and there's always a</p> <p>4 drift. There's always a drift, so you have to</p> <p>5 maintain some kind of oversight to compare and to</p> <p>6 have something systematically to measure data and</p> <p>7 ensure adherence to policies and procedures.</p> <p>8 And this is an agency with 150, I</p> <p>9 can't remember imagine any systems where there are</p> <p>10 many, many, many more regions and population of</p> <p>11 child welfare workers.</p> <p>12 Q Do you know how many regions there</p> <p>13 are in West Virginia?</p> <p>14 A I believe there are four, from what I</p> <p>15 reviewed in the report. And lots of counties.</p> <p>16 Lots more counties than I expected.</p> <p>17 Q So in your opinion, having oversight</p> <p>18 located at each of those regions, supervising</p> <p>19 supervisors and then those supervisors overseeing</p> <p>20 caseworkers, would that be an effective way to</p> <p>21 ensure compliance with policy?</p> <p>22 MS. UNGER: Objection.</p>	<p style="text-align: right;">Page 220</p> <p>1 Do you see that statement?</p> <p>2 A Yes.</p> <p>3 Q Is that conclusion regarding</p> <p>4 uncertified foster care generally or is that your</p> <p>5 opinion specifically about West Virginia?</p> <p>6 A It's general.</p> <p>7 Q Okay. And then starting -- you start</p> <p>8 discussing this at the end -- right on the end of</p> <p>9 the last two lines of page 9, and then continuing</p> <p>10 on to page 10. You say that, "Caseworkers are not</p> <p>11 complying with the monthly face-to-face visit</p> <p>12 policy for children in kinship placements."</p> <p>13 Do you see that?</p> <p>14 A Yes.</p> <p>15 Q What's the basis for that opinion?</p> <p>16 A It's based on the caregiver's survey</p> <p>17 that I reviewed and the report back from the 627,</p> <p>18 or so, kids and foster caregivers in West Virginia</p> <p>19 who reported how many times they seen their DHHR</p> <p>20 worker -- I'm sorry, department worker, either</p> <p>21 monthly. So it was -- it was based on that.</p> <p>22 Q Okay. Anything else or just that?</p>
<p style="text-align: right;">Page 219</p> <p>1 THE WITNESS: I want to make sure</p> <p>2 that I am answering what you're asking me, so can</p> <p>3 you please repeat the question?</p> <p>4 BY MS. SIEGENBERG:</p> <p>5 Q I think I'm just trying to understand</p> <p>6 the basis for your opinion that local supervision</p> <p>7 of a direct supervisor overseeing casework and that</p> <p>8 direct supervisor having to report up the chain to</p> <p>9 higher management does not provide adequate</p> <p>10 oversight to ensure compliance with policy?</p> <p>11 A I don't believe it would be</p> <p>12 effective. How is that information being</p> <p>13 translated? I mean, there's just so many variables</p> <p>14 that I don't think I could answer that question.</p> <p>15 Q Okay. So turning back to your</p> <p>16 report, back to page 9, right after where we left</p> <p>17 off. You state, "After children are placed, these</p> <p>18 uncertified kinship homes, which are not under the</p> <p>19 same licensing and training requirements as</p> <p>20 certified foster homes, received fewer services,</p> <p>21 including regular contact with caseworkers and</p> <p>22 other service providers to assess safety and risk."</p>	<p style="text-align: right;">Page 221</p> <p>1 A That's it.</p> <p>2 Q Okay. I'm going to introduce on</p> <p>3 Exhibit Share as Exhibit No. 5, the Foster Parent</p> <p>4 Survey that you were just referring to.</p> <p>5 (Johnson Deposition Exhibit Number 5</p> <p>6 marked for identification.)</p> <p>7 BY MS. SIEGENBERG:</p> <p>8 Q If you could let me know when you see</p> <p>9 that on your end.</p> <p>10 A I see it.</p> <p>11 Q Okay. And just to confirm for the</p> <p>12 record, this is the Foster Parent Survey that you</p> <p>13 were referring to?</p> <p>14 A Yes.</p> <p>15 Q Okay. And could you direct me to</p> <p>16 where in this document, I think on this page, what</p> <p>17 the basis is for your conclusion that these workers</p> <p>18 are not meeting the monthly face-to-face visit</p> <p>19 policy.</p> <p>20 A Well, if you look at page -- Exhibit</p> <p>21 5, the first page --</p> <p>22 Q Okay.</p>

<p style="text-align: right;">Page 238</p> <p>1 Q Was the caregiver survey that is</p> <p>2 Exhibit 5, does that reflect the quality of the --</p> <p>3 of the visits that parents are receiving?</p> <p>4 A Not to my knowledge, it doesn't speak</p> <p>5 to that.</p> <p>6 Q Okay. So turning back to your</p> <p>7 report, on page 11 of your report, you say that,</p> <p>8 "In 2011, West Virginia had some of the most</p> <p>9 stringent standards as compared to federal</p> <p>10 regulations and/or the Council on Accreditation."</p> <p>11 Do you see that statement?</p> <p>12 A What page are you on?</p> <p>13 Q Page 11.</p> <p>14 A I'm sorry, I'm having a hard time</p> <p>15 finding that.</p> <p>16 Q So on the top of page 11, the second</p> <p>17 sentence. "In 2011, West Virginia had some of the</p> <p>18 most stringent standards as compared to federal</p> <p>19 regulations and/or the Council on Accreditations."</p> <p>20 A I know that's in there, but I</p> <p>21 don't -- this is the August 11th. Okay. Yes, I</p> <p>22 see it. I see it.</p>	<p style="text-align: right;">Page 240</p> <p>1 to address it.</p> <p>2 BY MS. SIEGENBERG:</p> <p>3 Q Okay. So the use of non-safety</p> <p>4 waivers in sort of licensing kinship caregivers is</p> <p>5 a good thing?</p> <p>6 MS. UNGER: Objection.</p> <p>7 THE WITNESS: It can be.</p> <p>8 BY MS. SIEGENBERG:</p> <p>9 Q Okay. So then when you continue on</p> <p>10 in the sentence and you say that West Virginia</p> <p>11 created a committee to explore the avenues for</p> <p>12 which to simplify the process for relatives, that</p> <p>13 was a positive step in your opinion?</p> <p>14 A Back in 2011 when they formed that</p> <p>15 committee.</p> <p>16 Q Okay.</p> <p>17 A But I go on to say, you know, I would</p> <p>18 love to see more information on the data on the</p> <p>19 non-safety-related waivers that they had issued for</p> <p>20 relatives. Because increasing the number of</p> <p>21 services to certified families is really key, but</p> <p>22 the -- the increase that they had was not a</p>
<p style="text-align: right;">Page 239</p> <p>1 Q Okay. So what are the standards that</p> <p>2 you're referring to there that you're describing as</p> <p>3 stringent in 2011?</p> <p>4 A This is a report that I reviewed on</p> <p>5 West Virginia and the use of waivers for</p> <p>6 non-safety-related requirements. So, you know, my</p> <p>7 research of West Virginia's use of waivers, this</p> <p>8 came up in the creation of a committee to explore</p> <p>9 how to simplify that process, which, in my opinion,</p> <p>10 is a good thing to do.</p> <p>11 Q Okay. So in your opinion, the</p> <p>12 stringent standards for licensing kinship</p> <p>13 caregivers and the stringent standards for waivers</p> <p>14 was a good thing or a bad thing?</p> <p>15 MS. UNGER: Objection.</p> <p>16 THE WITNESS: The stringent</p> <p>17 standards, from my recall of that document that I</p> <p>18 reviewed, was that that it was -- it was too</p> <p>19 difficult, okay, too difficult for relative</p> <p>20 caregivers to get through that, that they weren't</p> <p>21 waiving a lot of non-safety. So they needed to</p> <p>22 take a look at that in 2011. So it prompted them</p>	<p style="text-align: right;">Page 241</p> <p>1 significant enough effect on increasing certified</p> <p>2 families.</p> <p>3 So, you know, I don't know that it</p> <p>4 changed the numbers on in an effective way of more</p> <p>5 families being waived -- you know, more certified</p> <p>6 families having that waived so that they could</p> <p>7 become certificated and have greater access.</p> <p>8 Q And what's your basis for that</p> <p>9 opinion?</p> <p>10 A Well, I think I mentioned that I</p> <p>11 don't know that I have information to show me. I</p> <p>12 don't have enough access to information on the</p> <p>13 number of non-safety waivers at the department,</p> <p>14 conducted, I guess, or issued or approved from</p> <p>15 2011.</p> <p>16 Q Okay. And on page 11, the last</p> <p>17 sentence of this in your report, you state,</p> <p>18 "Presently absence of data on kinship placement</p> <p>19 stability and well-being in uncertified homes</p> <p>20 across the field limits this reviewer's ability to</p> <p>21 evaluate policies regarding this practice of</p> <p>22 diversion to uncertified kinship homes."</p>

<p style="text-align: right;">Page 242</p> <p>1 Do you see that statement?</p> <p>2 A Yes.</p> <p>3 Q What do you mean by absence of data?</p> <p>4 A This is speaking to kinship</p> <p>5 placements stability in uncertified homes and that</p> <p>6 departments across, you know, the nation, we can do</p> <p>7 studies and conduct research on the certified</p> <p>8 families, because we have access to them, but,</p> <p>9 generally speaking, for uncertified families,</p> <p>10 that's not the case in the kinship arena. So it's</p> <p>11 that informal that I am referring to, which is a</p> <p>12 combination, I think, of what West Virginia, I</p> <p>13 think, would term uncertified and then just</p> <p>14 completely, like, on your own, not in -- you know,</p> <p>15 that the child does not have a dependency case.</p> <p>16 Q So this statement, is this your</p> <p>17 opinion about the child welfare system generally or</p> <p>18 is this your opinion specifically about West</p> <p>19 Virginia?</p> <p>20 A It's general.</p> <p>21 Q Okay. Turning to page 14 of your</p> <p>22 report, towards the bottom of page 14, you state,</p>	<p style="text-align: right;">Page 244</p> <p>1 A Again, I'm -- I think I wasn't given</p> <p>2 access to information I think would have helped me</p> <p>3 form that connection to West Virginia. But that is</p> <p>4 a general statement at this point.</p> <p>5 Q Okay. Turning to page 17 of your</p> <p>6 report, so starting on page 17, you have a section</p> <p>7 in your report about staff turnover. Is that</p> <p>8 accurate?</p> <p>9 A Yes.</p> <p>10 Are you referring to a certain</p> <p>11 sentence in that?</p> <p>12 Q No. Just that, you know, on page 17,</p> <p>13 there's the beginning of a new section and it's --</p> <p>14 this section refers to page 17, is about caseworker</p> <p>15 turnover. Is that correct?</p> <p>16 A Yes.</p> <p>17 Q Generally speaking, why do you</p> <p>18 include this section in your report about kinship</p> <p>19 care?</p> <p>20 A I think because it seemed very</p> <p>21 prominent in all of the research I did regarding</p> <p>22 West Virginia on my own and in the documents that I</p>
<p style="text-align: right;">Page 243</p> <p>1 "Families are not given information regarding the</p> <p>2 options and additional supports from which they</p> <p>3 could benefit."</p> <p>4 Do you see that statement?</p> <p>5 A Yes, I do.</p> <p>6 Q Is that your opinion about foster</p> <p>7 care and kinship caregivers generally or is that</p> <p>8 your conclusion specifically with respect to West</p> <p>9 Virginia?</p> <p>10 A General.</p> <p>11 Q Okay. And then on page 15 of your</p> <p>12 report, towards the end of the only full paragraph</p> <p>13 on this page, you say, "The supports provided to</p> <p>14 certified kinship caregivers such as enhanced</p> <p>15 financial and case management supports are</p> <p>16 generally superior as compared to the supports</p> <p>17 provided to uncertified kinship homes."</p> <p>18 Do you see that statement?</p> <p>19 A Yes.</p> <p>20 Q Is that your opinion about kinship</p> <p>21 care generally or is that your conclusion</p> <p>22 specifically with respect to West Virginia?</p>	<p style="text-align: right;">Page 245</p> <p>1 reviewed, such as the 2020 West Virginia Child and</p> <p>2 Family Services Plan. It's a huge problem. And it</p> <p>3 does affect a department's ability to provide</p> <p>4 quality service to those children and families that</p> <p>5 they serve.</p> <p>6 Q Did you see this when you were seeing</p> <p>7 information about caseworker turnover in West</p> <p>8 Virginia coming up in your review, was that</p> <p>9 specifically about the impact it has on kinship</p> <p>10 care in West Virginia or just the impact on the</p> <p>11 child welfare system in West Virginia generally?</p> <p>12 MS. UNGER: Objection.</p> <p>13 THE WITNESS: It has applications to</p> <p>14 kinship families that are being served by the</p> <p>15 department.</p> <p>16 BY MS. SIEGENBERG:</p> <p>17 Q Do you have any professional</p> <p>18 experience assessing caseworker retention and</p> <p>19 turnover in public agencies?</p> <p>20 MS. UNGER: Objection.</p> <p>21 THE WITNESS: No.</p> <p>22</p>

<p style="text-align: right;">Page 246</p> <p>1 BY MS. SIEGENBERG:</p> <p>2 Q Do you think you are qualified to</p> <p>3 give expert opinion on DHHR's caseworker retention</p> <p>4 and turnover?</p> <p>5 MS. UNGER: Objection.</p> <p>6 THE WITNESS: I'm sorry, I don't know</p> <p>7 what you're asking me.</p> <p>8 BY MS. SIEGENBERG:</p> <p>9 Q So you have included in your expert</p> <p>10 report on the kinship class, you have included a</p> <p>11 section that assesses and speaks to caseworker</p> <p>12 retention and turnover, and I'm asking, do you</p> <p>13 think you're qualified to give an expert opinion on</p> <p>14 DHHR's caseworker retention and turnover?</p> <p>15 A No.</p> <p>16 Q Then why do you include this section</p> <p>17 in your report?</p> <p>18 A I included it because, again, I've</p> <p>19 stated it has an effect on kinship children who are</p> <p>20 placed with caregivers that are being served by the</p> <p>21 department.</p> <p>22 Q How do you go about assessing</p>	<p style="text-align: right;">Page 248</p> <p>1 research, they have numerous documents that I</p> <p>2 referred to.</p> <p>3 Q And those are all -- I know we've</p> <p>4 been over it a few times, but those are all</p> <p>5 included in the appendix of your report?</p> <p>6 A Yes.</p> <p>7 Q Okay. And how did you determine that</p> <p>8 those were the best sources of information to rely</p> <p>9 in assessing caseworker turnover and retention?</p> <p>10 A I think there's a Harvard business</p> <p>11 review article in here as well, but I think it has</p> <p>12 to do with my experience working for numerous</p> <p>13 decades in systems where I can see where a turnover</p> <p>14 in the workforce creates -- it hinders the</p> <p>15 streamline process that we want families to have,</p> <p>16 it also hinders the engagement that you can have</p> <p>17 with families to continue to work on the</p> <p>18 interventions that you have, that will affect</p> <p>19 positive outcomes for children and families.</p> <p>20 Q Okay. Going back to page 11 of your</p> <p>21 report. So the heading of this section states,</p> <p>22 "Defendants failed to properly support foster</p>
<p style="text-align: right;">Page 247</p> <p>1 caseworker retention and turnover in West Virginia?</p> <p>2 A I was given access to the information</p> <p>3 I had and I looked at a number of documents,</p> <p>4 including other research I did. And it's all</p> <p>5 contained in my report.</p> <p>6 Q Turning to page 20 of your report,</p> <p>7 the last sentence, the section on caseworker</p> <p>8 retention and turnover, you state, "These workforce</p> <p>9 issues have a direct and negative impact on the</p> <p>10 kinship program in that families do not receive the</p> <p>11 vital services they need to support the complex</p> <p>12 needs of the children in their care."</p> <p>13 Do you see that statement?</p> <p>14 A Yes.</p> <p>15 Q What is your basis for that</p> <p>16 conclusion?</p> <p>17 A So it's based on the information that</p> <p>18 I gleaned from the evidence that I reviewed and</p> <p>19 other research on workforce turnover in --</p> <p>20 specifically in the child welfare field and what a</p> <p>21 direct negative impact that is on overall quality</p> <p>22 of care. So Casey Family Programs has had a</p>	<p style="text-align: right;">Page 249</p> <p>1 children in kinship placements, violating</p> <p>2 reasonable professional standards and putting them</p> <p>3 At increased risk of harm."</p> <p>4 Do you see that?</p> <p>5 A Yes.</p> <p>6 Q What do you mean by professional</p> <p>7 standards here?</p> <p>8 A I think it really applies to just</p> <p>9 good social work practice and how we engage</p> <p>10 families, how we apply our skills in working with</p> <p>11 families to lead to better outcomes overall.</p> <p>12 Q So when you say --</p> <p>13 A Like, you know, NESW, and I don't</p> <p>14 know that I made a reference here, but the National</p> <p>15 Association of Social Work, has ethics that are</p> <p>16 spelled out in multiple phases of program work.</p> <p>17 Like referring to the amount and frequency of</p> <p>18 caseworker contact in the home, the ways that you</p> <p>19 do engage with families so that you can really</p> <p>20 truly have a context for providing, you know, very</p> <p>21 adequate and accurate assessments on families so</p> <p>22 you can get them the resources and supports they</p>